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Sunshine Ordinance Task Force

City and County of San Francisco

Notice of Regular Meeting and Agenda (Amended)
Wednesday, January 21, 1997 at 4:00pm
1660 Mission Street, Conference Room 2001

1) Roll Call

2) Approval of Minutes

3) Report of the Clerk

4) Members' questions and comments

5) Possible Amendments to the Sunshine Ordinance
   a) Make available to the public the name and scoring/rating papers of those who make evaluations of competitively-bid contracts (Supervisor Ammiano
   b) Extend jurisdiction to non-profits/community-based organizations for their programs that receive city funds (Supervisor Ammiano)
   c) Regarding the possible program of performance-based compensation for certain levels of managers in city departments (Controller)
   d) Conformity with amendments to the Brown Act

6) Effect of "Friends of" groups that support city services / on public access and open government.

7) Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents. (Dep't. of Bldg Inspection)

8) Responses to Sole Source Contract Survey.

9) Setting future Agenda.

10) Adjourn.

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
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Sunshine Ordinance Task Force

City and County of San Francisco

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AGENDA

January 21, 1997 4:00 p.m. 1660 Mission St., Room 2001

1) Roll Call

2) Approval of Minutes

3) Report of the Clerk

4) Member's questions and comments

5) Possible Amendments to the Sunshine Ordinance
   a) Make available to the public the name and scoring/rating papers of those who make evaluations of competitively-bid contracts (Supervisor Ammiano
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142 Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, January 21, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:17 PM, on Wednesday, January 21, 1998.

Item 1. Roll Call
Members present: Charlotte Berk (4:28), Bruce Brugmann, Rula Graffis, David Pilpel, Robert Planthold, Enrique Ramirez (4:20), Nancy Sutley, David Watkins
Ex-officio members present: Lori Giorgi, Rachel Arnstine O'Hara, John Taylor
Members absent: Zoran Basich (resigned), Timothy Taylor, Nicole Wong

Item 2. Approval of Minutes

Pilpel noted that no minutes had been typed up for the November or December meeting, but would be available at the February meeting.

Item 3. Report of the Clerk

The new clerk of the Task Force, Rachel O'Hara from the Department of Administrative Services, was introduced.

Item 4. Members' Questions and Comments

Planthold announced that Zoran Basich had resigned from the Task Force. The open seat is for a professional journalist. In response to a question from Pilpel, Giorgi stated that the answer about unclear language in the Sunshine Ordinance regarding immediate disclosure was not yet available.

Item 5. Possible Amendments to the Sunshine Ordinance

a) Make available to the public the name and scoring/rating papers of those who make evaluations of competitively bid contracts (Supervisor Ammiano).
Planthold said that this amendment would be heard by the Rules Committee of the Board of Supervisors in early February. Pilpel asked whether the Task Force was on record supporting the legislation. Giorgi noted that the Task Force sent the amendment to the Board with a letter from then chair, Byron McQuarters.

b) Extend jurisdiction to non-profits/community-based organizations for their

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programs that receive city funds. (Supervisor Ammiano)
Planthold noted that there was a hearing on this amendment before the Finance Committee of the Board of Supervisors with Supervisors Kaufman, Brown, Bierman and Ammiano in attendance. Graffis reported that 60 people spoke, many who opposed, with some in support. She also noted that the matter appeared headed for a task force. Brugmann urged the Task Force to support elements of the Ammiano proposal such as access to books and records and access to meetings. Planthold asked for public comment. Caravelli noted that employees of these organizations were determining city policies, not residents. Chafee said that if organizations wanted to remain private they should not take public money. Harris stated that taxpayers are entitled to know where their money is going.
Pilpel suggested that the SOTF send a letter to the Board asking to be on the task force and requesting an opportunity to review any proposal before it goes to the Board. Ramirez expressed concern that a proposed requirement for non-profits to submit quarterly reports would be a burden on small non-profits. Planthold spoke to Supervisor Ammiano urging him to consider a link between the SOTF and any task force the Board creates. Brugmann offered a resolution, and Graffis seconded, to a) support the sunshine elements of Ammiano's proposal and b) ensure that the SOTF was represented on any task force. Giorgi brought up a point of order that agenda had this item as discussion, not action. Brugmann moved to amend the resolution to empower the SOTF chair to communicate that the SOTF wanted to serve on any task force for this amendment.
Planthold asked for public comment. Caravelli stated that it was redundant to create another task force. Erd urged the SOTF to get involved. The motion was approved.

Public Comment on Items Not on the Agenda (5:08)

Chafee noted an article that stated that the Library Commission met in closed session to approve settlement of litigation, but would not release details. He asked why this was not subject to the immediate disclosure requirements for closed meetings. Giorgi noted that this provision applies only to final actions and that settlements were final only when accepted by the Board and signed by the Mayor. Caravelli noted that there was no microphone for public comment. Gillespie stated that it is contrary to the intention of the Sunshine Ordinance that settlements are not subject to immediate disclosure.

Item 5. Possible Amendments to the Sunshine Ordinance (continued)
c. Regarding the possible program of performance-based compensation for certain levels of managers in city departments (Controller).
Planthold noted that the Board already acted on this amendment, but the SOTF had sent a letter to the Board raising questions. Supervisor Bierman sent a letter asking that the City Attorney answer the SOTF"s questions. Planthold also stated that an article quoting his personal views on the subject were reported as the SOTF's views. The Clerk will include the City Attorney's response in the Task Force mailing.

d. Conformity with amendments to the Brown Act.

Planthold noted there was no action to conform the Sunshine Ordinance to changes in the Brown Act with respect to the interpretation of a quorum for subcommittees. Giorgi stated that the Brown Act had be amended to allow members of a parent committee to attend meetings of subcommittee of which they are not members as observers without triggering a notice of meeting of the parent committee. According to a memo from the City Attorney, the Brown Act controls and no changes are necessary. Giorgi agreed to share the memo if it was not privileged. Caravelli noted that the Sunshine Ordinance could be made more restrictive than the Brown Act.

Item 6. Effects of "Friends of" groups that support city services/on public access and open government.
Brugmann stated that he want to send out a survey on these groups. However, this item appeared on the agenda as a discussion and not an action item. The Task Force discussed how to avoid this problem with future agendas. Caravelli suggested the Task Force developed written criteria for developing agendas.

Item 7. Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents (Department of Building Inspection).

Giorgi stated that the Department of Building Inspection removed its fee schedule and deposit for obtaining public documents. Planthold noted that this issue had been raised in public comment. Caravelli noted that public documents are hard to get from the Department of Building Inspection.

Item 8. Response to Sole Source Contract Survey

Planthold reported that 75 days had elapsed since the survey was sent with a request for a response within 45 days and some City departments had not yet responded, including Muni and the Public Utility Commission. Brugmann stated his intention to offer a resolution at the next meeting to ask to amend the Sunshine Ordinance to require regular and timely reports of negotiations of sole source contracts.

Item 9. Setting Future Agenda
Planthold asked that members put agenda items in writing and to ensure that action items are worded that way.
-- Discuss lawsuit settlement disclosure.
-- Request drafting of an amendment to the Sunshine Ordinance to require regular and timely reports of negotiations of sole source contracts.
-- Receive report from City Attorney regarding immediate disclosure.
-- Authorize survey of "Friends of" groups.

Adjournment
Planthold moved and Pilpel seconded adjournment at 6:10 pm. The motion was approved.

Sunshine Ordinance Task Force

City and County of San Francisco

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AGENDA

Regular Monthly Meeting
February 18th, 1998, 4PM
NOTICE ROOM CHANGE, CONFERENCE ROOM 505-504
1660 Mission Street

1) Roll Call
2) Approval of Minutes
3) Clerk's Report
4) Members' Questions and Comments
5) SOFT Proposed Rule Change
   That any proposed agenda item must be submitted in writing to the chair, the vice-chair, and the clerk at least ten (10) days before the scheduled meeting, further, that any such text include the desired option(s) to be considered. (ACTION)
6) Authorizing and disseminating a survey of all city departments/agencies that have "friends of" groups and/or receive support from other private agencies that support city services, with a view to how the value and scope of such may affect maximum availability to the public of information on what decisions are made and how they are made by city government in relying on these non-city funds. (ACTION)
7) Authorizing City Attorney to draft text amending the Sunshine Ordinance so as to require city departments/agencies using sole source contracts to make public the existence and dollar value of same immediately upon completion of a final draft contract but prior to any stage of approval, and further requiring such city departments/agencies to publish an annual list of same (along with a calculation of the percentage of their respective budgets that go to sole source contracts) to be included in their annual budget requests. (ACTION)
8) Model agenda suggestions for increasing conformity/uniformity across city departments/agencies so make to make all agendas more readily understandable by the public. (Vice Chair Pipel) (ACTION)
9) Passive Meeting vs. Open Meeting: Characteristics and requirements, using examples from current bodies. (City Attorney) (Information Only)
10) Setting Future Agenda
11) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

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SUNSHINE ORDINANCE TASK FORCE

February 18, 1998

The Minutes of this meeting are missing.

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City and County of San Francisco

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AGENDA

SPECIAL MEETING OF THE SUNSHINE ORDINANCE TASK FORCE

February 25th, 1998, 4PM
1660 Mission Street
Room 2001

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1) Roll Call
2) Approval of Minutes
3) Clerk's Report
4) Members' Questions and Comments
5) SOFT Proposed Rule Change
   That any proposed agenda item must be submitted in writing to the chair, the vice-chair, and the clerk at least ten (10) days before the scheduled meeting, further, that any such text include the desired option(s) to be considered. (ACTION)
6) Authorizing and disseminating a survey of all city departments/agencies that have "friends of" groups and/or receive support from other private agencies that support city services, with a view to how the value and scope of such may affect maximum availability to the public of information on what decisions are made and how they are made by city government in relying on these non-city funds. (ACTION)
7) Authorizing City Attorney to draft text amending the Sunshine Ordinance so as to require city departments/agencies using sole source contracts to make public the existence and dollar value of same immediately upon completion of a final draft contract but prior to any stage of approval, and further requiring such city departments/agencies to publish an annual list of same (along with a calculation of the percentage of their respective budgets that go to sole source contracts) to be included in their annual budget requests. (ACTION)
8) Library Issue from Mr. James Chaffee (Information only)
9) Report from the City Attorney about Immediate Disclosure.(City Attorney) (Information only)
10) Model agenda suggestions for increasing conformity/uniformity across city departments/agencies so make to make all agendas more readily understandable by the public. (Vice Chair Pipel) (ACTION)
11) Passive Meeting vs. Open Meeting: Characteristics and requirements, using examples from current bodies. (City Attorney) (Information Only)
12) Setting Future Agenda
13) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
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DRAFT
SPECIAL MEETING OF THE SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, February 25, 1998

Please note: all actions that were adopted by the Task Force are underlined

The special meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:10 PM, on Wednesday, February 25, 1998.

Item 1. Roll Call
Members present: Bruce Brugmann, David Pilpel, Robert Planthold, Enrique Ramirez , Nancy Sutley, Timothy Taylor, David Watkins
Ex-officio members present: Lori Giorgi, Rachel Arnstine O'Hara
Members absent: Charlotte Berk, Rula Graffis, Nicole Wong

Item 2. Approval of Minutes

The minutes were corrected to reflect that Planthold reported on Item 7. Ramirez offered and Taylor seconded a motion to approve the minutes of the January 21, 1998 meeting. The motion was approved.

Item 3. Report of the Clerk

No report.

Item 4. Members' Questions and Comments

None

Item 5. SOTF Proposed Rule Change - That any proposed agenda item must be submitted in writing to the chair, the vice-chair, and the clerk at least ten days before the scheduled meeting, further, that any such text include the desire option(s) to be considered.

Brugmann asked about emergency items. Giorgi explained the Brown Act requirements providing for emergency items on an agenda. Planthold noted that the SOTF rules require the agenda to be mailed seven days before a meeting. Brugmann offered and Sutley seconded a motion to amend the proposed rule change to allow a member to contact the Chair or Vice Chair with a specific request in the period between the ten days and the closing of the agenda. Ramirez asked whether the request to have an item listed as information or action was subject to approval by the Chair. Planthold stated that by precedent it was not. The amendment passed. The motion passed.

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Item 6. Authorizing and disseminating a survey of all city departments/agencies that have "friends of" groups and /or receive support from other private agencies that support city services, with a view to how the value and scope of such may affect maximum availability to the public information on what decisions are made and how they are made by city government in relying on these non-city funds.

Brugmann presented a draft survey of city departments regarding "Friends of" groups. Sutley asked whether the definition of "Friends of" groups was inclusive or specific enough. Giorgi stated that the term "quasi-public" might need to be clarified. Ramirez noted that the definition did not include individuals not part of a group and should include persons or individuals. Ramirez offered and Taylor seconded a motion to authorize the survey with the addition of individuals. Planthold offered to be the contact. There was no public comment. The motion was approved.

Item 7. Authorizing City Attorney to draft text amending the Sunshine Ordinance so as to require the city departments/agencies using sole source contracts to make public the existence and dollar value of same immediately upon completion of a final draft contract but prior to any stage of approval, and further requiring such city departments/agencies to publish an annual list of same (along with a calculation of the percentage of their respective budgets that go to sole source contracts) to be included in their annual budget requests.

Planthold directed members to a memo from the Deputy City Attorney regarding possible amendments to the Sunshine Ordinance. Ramirez asked whether the Task Force was discussing that memo or the agenda item. Pilpel suggested looking at contracts for services or those with public policy implications. Ramirez raised concerns with the reporting requirements in the proposed amendment. Pilpel noted that agenda item 7 was not appropriate for an amendment to the Sunshine Ordinance but could be forwarded to the Board of Supervisors for consideration as an ordinance. Planthold pointed out that there was already language in the Sunshine Ordinance providing that drafts of contract had to be made available to the public ten days before Board of Supervisors' approval. Giorgi suggested that instead of weekly summaries, summaries be prepared only upon request. Pilpel moved and Ramirez seconded a motion to request that the City Attorney draft an ordinance to amend the administrative code to capture agenda item 7. Brugmann expressed concern that this would not provide a timely opportunity to affect negotiating position. Giorgi pointed out that the first part of item 7 would be an amendment to the Sunshine Ordinance and the second part would require a new ordinance. The motion was approved. Brugmann moved and Watkins seconded a motion to adopt the proposed amendment language in the City Attorney's memo amended to say summaries would be prepared only on request. Pilpel asked about the definition of a sole-source contract. Giorgi offered that it would include negotiations for good and services without competitive bidding. Pilpel stated he was concerned about personal services, franchises, leases and permits that did not appear to be covered by the existing proposed language. Pilpel also stated concerns about length of time or dollar value. Pilpel offered and Sutley seconded an amendment to the prior motion to ask the

City Attorney to further revise the language in the proposed changes to the Sunshine Ordinance to cover professional, personal or contractual services without competitive processes, leases and permits in either director, with anticipated revenues or expenditures of $1 million or 10 or more years and franchises. The amendment passed. The motion as amended failed. Giorgi noted that she would prepare the language requested in the amendment that passed.

Public Comment on Items Not on the Agenda (5:40)

None.

Item 8. Library Issue from Mr. James Chaffee

Deferred. Pilpel asked that the SOTF discuss the issue of disclosure of settlements in general.

Item 9. Report from City Attorney about Immediate Disclosure

Giorgi explained the draft attempted to clarify Administrative Code provisions regarding immediate disclosure requests. Pilpel asked that the SOTF consider acting on this item at the next meeting.

Item 10. Model agenda suggestions for increasing conformity/uniformity across city departments/agencies to make all agendas more readily understandable by the public.

Pilpel asked that the SOTF discuss description of items on agenda and asked that this item be discussed next month.

Item 11. Passive Meeting v. Open Meeting: Characteristics and requirements, using examples from current bodies.

Giorgi reported further on open meeting requirements. She stated that bodies created by ordinance are subject to open meeting requirements. Bodies created in writing by the Mayor or a member of the Board are subject to passive meeting requirements. Bodies created informally (not in writing) are not subject to any requirements. Bodies subject to passive meeting requirements are only required to provide the date and location of meetings upon request and are not required to make agendas public or take public comment, but may do so. Planthold asked about the status of bodies that are considered "official advisory bodies." Giorgi responded that they are subject to passive meeting requirements. Pilpel asked that the Deputy City Attorney provide a memo summarizing the requirements. Planthold stated he would ask about the memo in three months if it has already not been provided.

Item 12. Setting Future Agenda

-- Act on draft text of item 7, lines 12 -21 to amend the Sunshine ordinance and act on language being drafted by the Deputy City Attorney regarding type of contract.
-- Discuss timeliness of settlement disclosures.
-- Act on draft text to clarify immediate disclosure provisions.
-- Discuss agenda item descriptions.

Adjournment
Pilpel moved and Taylor seconded adjournment at 6:10 pm. The motion was approved.

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AGENDA

MEETING OF THE SUNSHINE ORDINANCE TASK FORCE

March 18th, 1998, 4PM
1660 Mission Street
Room 2001

1) Roll Call
2) Approval of Minutes
3) Clerk's Report
4) Members' Questions and Comments
5) Recommend Amendment to Sunshine Ordinance, Clarifying Section 67.25, relating to immediate disclosure requests (Vice Chair Pilpel) (ACTION)
6) Approval of proposed amendment to Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts. (ACTION)
7) Recommend Amendment to the Sunshine Ordinance to require all city Departments to provide annual reports of sole source contracts (ACTION)
8) Discussion of model agenda guidelines and wording of agenda items (Vice Chair Pilpel) (Discussion)
9) Discussion of legal settlements-when is public disclosure of suit and substance necessary and appropriate? (Discussion)
10) Discussion of Amendment to Sunshine Ordinance to bring it into conformity with recent amendment to the Brown Act (Discussion) (see back of this agenda for language)
11) Setting Future Agenda
12) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

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(D) The attendance of a majority of the members of a policy body at an open and noticed meeting of a standing committee of that body, provided that the members of the policy body who are not members of the standing committee attend only as observers.

((D)) (E) The proceedings of any committee having responsibility for the evaluation and improvement of the quality of medical care, mental services or any other type of health services provided by the City or City-funded

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, March 18, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The March meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:10 PM, on Wednesday, March 18, 1998.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, David Pilpel, Robert Planthold, Nancy Sutley, Timothy Taylor, David Watkins, Nicole Wong
Ex-officio members present: Rachel Arnstine O'Hara, John Taylor
Members absent: Johnny Brannon, Enrique Ramirez, Timothy Taylor

Item 2. Approval of Minutes

Pilpel offered and Watkins seconded a motion to approve the minutes of the February 25, 1998 meeting. The motion was approved.

Item 3. Report of the Clerk

O'Hara reported that Johnny Brannon had been appointed to the Task Force as a member of the press and that a new task force mailing list was available.
O'Hara also announced that the terms of the following Task Force members would expire on April 27: Berk, Brugmann, Graffis, Pilpel, Planthold, Ramirez, Sutley, T. Taylor, Watkins and Wong.
Deputy City Attorney Giorgi was not in attendance due to illness, but draft legislative language she prepared for items 5 and 6 were distributed to the Task Force. Due to Giorgi's absence, several agenda items (items 7 and 9) might need to be continued until the April meeting.

Item 4. Members' Questions and Comments

Planthold noted that he found in the meeting room a memo describing review of public records law, including the Sunshine Ordinance that might be useful for the Task Force to review. Pilpel asked that the Task Force receive any amendments to the Sunshine Ordinance. He also noted that several responses to the sole source contract survey and the "friends of" survey were received. Pilpel also suggested that the Task Force discuss at a future meeting changes to the Sunshine Ordinance to clarify what constitutes creation of a body that is subject to open meeting requirements. Pilpel noted that the Task Force's annual report would be due soon.. Watkins asked that the Task Force consider keeping cumulative attendance records. Caravelli noted that this agenda item does not comply with the Brown Act, Public Records Act or Sunshine

Ordinance.

Item 5. Recommend amendment to the Sunshine Ordinance, clarifying Section 67.25, relating to immediate disclosure requests.

Pilpel noted that the origin of this amendment was language in the Sunshine Ordinance that was confusing. Pilpel moved and Brugmann seconded a motion to recommend the amendment to the Board of Supervisors. Graffis asked whether this amendment contemplated a specific amount of time? Pilpel noted that time limits (10 days or no more than 20 days without an extension) were referenced elsewhere in the Sunshine Ordinance. Caravelli suggested clarifying that the time limit should not exceed 10 days and adding language that extensions were only appropriate for more complicated requests. Pilpel offered and Brugmann seconded an amendment to the previous motion to a)add the following language to page 2, line 7: "such total time not to exceed limits provided elsewhere in this chapter" and b) substitute the following language on page 2, line 9 : "Such an extension is only appropriate" and continue with the rest of the sentence. The amendment passed. The motion as amended passed. Harris asked that copies of the Sunshine Ordinance be available at Task Force meetings.

Item 6. Approval of proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.

Members were directed to new draft ordinance language based on discussions at the February meeting that referred to disclosure of documents during negotiation of sole source contracts. Brugmann noted that the origin of the draft language was a lack of meaningful public review of negotiations of significant sole source contracts that the City was involved in. Brugmann asked for the opportunity to have counsel review the new language. Wong suggested that there be more specific guidance for the summaries of respective positions of the parties. Pilpel suggested adding language to clarify that the summaries should include but not be limited to significant issues, dollar amounts and terms. Caravelli suggested adding language making draft contracts as well as final contracts available. Brugmann offered and Berk seconded a motion to continue action on this item until next month. The motion was approved. Members were urged to get any suggested language changes to Giorgi.

Public Comment on Items Not on the Agenda (5:24)

None.

Item 7. Recommend amendment to the Sunshine Ordinance to require all city departments to provide annual reports of sole source contracts.

Pilpel suggested clarifying that this item should refer to legislation, rather than an amendment to the Sunshine Ordinance. Pilpel offered and Sutley seconded a motion to continue this item until

the next meeting. The motion was approved.

Item 8. Discussion of model agenda guidelines and wording of agenda items.

Pilpel noted that model agenda guidelines could provide standards for city agencies on how to comply with the agenda requirements of the Sunshine Ordinance. J. Taylor suggested seeking the advice of the City Attorney since this was a matter of law. Caravelli noted that legally agendas should describe the nature of the action and that providing a list of commonly used action verbs for agencies and commissions would be helpful. J. Taylor also suggested getting sample agendas from various committees or commissions from the public library.

Item 9. Discussion of legal settlements - when is public disclosure of suit and substance necessary and appropriate?

Brugmann noted that this item was raised by Mr. Chafee with respect to a settlement involving the Library. The item was continued until the April meeting.

Item 10. Discussion of amendment to the Sunshine Ordinance to bring it into conformity with recent amendment to the Brown Act.

This item was continued until the April meeting.

Item 11. Setting Future Agenda

-- review of the complaint process.
-- consideration of legislation to extend open meeting requirements to newly formed bodies.
-- consideration of a rule change to keep a cumulative attendance report for the Sunshine Ordinance.
-- consideration of sole source contract negotiation amendment.

Adjournment
The meeting adjourned at 6:05 pm.

Sunshine Ordinance Task Force

City and County of San Francisco

AGENDA
MEETING OF THE SUNSHINE ORDINANCE TASK FORCE

April 15th, 1998, 4PM
1660 Mission Street
Room 2001

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1) Roll Call
2) Approval of Minutes
3) Clerk's Report
4) Members' Questions and Comments
5) Recommend Amendment to Sunshine Ordinance, Clarifying Section 67.25, relating to immediate disclosure requests (ACTION)
6) Approval of proposed amendment to Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts. (ACTION)
7) Recommend Amendment to the Sunshine Ordinance to require all city Departments to provide annual reports of sole source contracts (ACTION)
8) Discussion of legal settlements—when is public disclosure of suit and substance necessary and appropriate? (Discussion)
9) Authorizing support from SOTF for 22 April Finance Committee item on extending some aspects of Sunshine Ordinance jurisdiction to city-funded non-profits (ACTION)
10) Adopt Recommendation to Rules Committee supporting Supervisor Ammiano's call for: "a policy to involve the Sunshine Ordinance Task Force in the consideration and review of proposed amendments to the city's Sunshine Ordinance." (ACTION)
11) Annual Report-Delegate Drafting Responsibility (ACTION)
12) SOTF Rule Change: Authorize developing and publishing a cumulative attendance chart for members (ACTION)
13) Authorize drafting amending legislation to fully extend all aspects of Sunshine Ordinance jurisdiction to newly-formed bodies currently subject only to passive meeting requirements (ACTION)
14) Extension of Sunshine Ordinance jurisdiction to Treasure Island development Authority (ACTION)
15) Recognition of the Clerk of the Board of Supervisors John Taylor, on the occasion of his retirement announcement, for his service to the SOTF and to fair and impartial government (ACTION)
16) Setting Future Agenda
17) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

FILE NO. _____ RESOLUTION NO. _____

[Sunshine Ordinance Task Force]

ESTABLISHING A POLICY TO INVOLVE THE SUNSHINE ORDINANCE TASK FORCE IN THE CONSIDERATION AND REVIEW OF PROPOSED AMENDMENTS TO THE CITY'S SUNSHINE ORDINANCE.

WHEREAS, Section 67.30 of the San Francisco Administrative Code established the Sunshine Ordinance Task Force; and,

WHEREAS, The Task Force is given the duties of: advising the Board of Supervisors and providing information to other City departments on appropriate ways in which to implement the City's Sunshine Ordinance; developing appropriate goals to ensure practical and timely implementation of the Sunshine Ordinance; proposing to the Board of Supervisors amendments to the Sunshine Ordinance; and reporting to the Board of Supervisors at least once annually on any practical or policy problems encountered in administering the Sunshine Ordinance; and,

WHEREAS, The Board of Supervisors periodically considers proposed amendments to the Sunshine Ordinance, and it would be beneficial for the Sunshine Ordinance Task Force to consider and review proposed amendments to the Sunshine Ordinance prior to the Board of Supervisors considering the proposed amendments; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby establishes a policy to involve the Sunshine Ordinance Task Force in the consideration and review of proposed amendments to the City's Sunshine Ordinance.

SUPERVISOR AMMIANO
BOARD OF SUPERVISORS

WHEREAS, Under California redevelopment law and the Act, the Board of Supervisors has the right to approve the adoption of any redevelopment plan for the Base and, prior to the date of such adoption, all contracts in excess of 10 years or with anticipated revenues of One Million Dollars or more; and,

WHEREAS, The Board of Supervisors seeks to impose on the Authority certain rules and procedures to ensure that development and conversion of the Base to civilian reuse will best serve the public interest, convenience, welfare and common benefit of the inhabitants of the City and County of San Francisco; now, therefore, be it

RESOLVED, That no card rooms, casinos or any other type of gambling activities (except solely for the sale of LOTTO tickets or other programs run by the California State Lottery System to the extent otherwise permitted in San Francisco) shall be permitted on the Base, even if the Constitution of the State of California is amended to permit such gambling activities; and, be it

FURTHER RESOLVED, That all leases, contracts or agreements entered into by the Authority having a term in excess of ten (10) years or having anticipated revenues of one million dollars ($1,000,000) or more, or any amendment or modification of any such lease, agreement or contract, shall be subject to the approval of the Board of Supervisors by resolution; and, be it

FURTHER RESOLVED, The Authority shall be subject to, and all meetings of the Authority shall be called, noticed, held and conducted in accordance with, the provisions of the Ralph M. Brown

Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, being Sections 54950 to 54962 thereof) and the San Francisco Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code); and, be it

FURTHER RESOLVED, That, in order to ensure that goods and services are procured by the Authority through a competitive, public and fair process, the Authority shall abide by rules and procedures for the procurement of goods and services substantially in the form of the Rules and Procedures for Procurement of Goods and Services filed with the Clerk of the Board in File No. _____; and, be it

FURTHER RESOLVED, That, in order to ensure that all agreements for the use, lease or disposition of real property on the Base are entered into pursuant to a competitive, public and fair process, the Authority shall abide by rules and procedures for the transfer of such real property substantially in the form of the Rules and Procedures for Transfer of Real Property filed with the Clerk of the Board in File No. _____; and, be it

FURTHER RESOLVED, That any development on the Base shall be subject to applicable state and local zoning and land use laws, including without limitation, the California Environmental quality Act ("CEQA"), the requirement that the Planning Commission find that development is consistent with the City's General Plan under Section 4.105 of the City's Charter, and the requirement that the Planning Commission make recommendations and issue reports on any proposed

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, April 15, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The March meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:16 PM, on Wednesday, April 15, 1998.

Item 1. Roll Call
Members present: Johnny Brannon, Bruce Brugmann, Ruach Graffis, Robert Planthold, Enrique Ramirez, Nancy Sutley, Timothy Taylor, David Watkins, Nicole Wong
Ex-officio members present: Lori Giorgi, Rachel Arnstine O'Hara, John Taylor
Members absent: Charlotte Berk, David Pilpel

Item 2. Approval of Minutes

Brannon offered and Graffis seconded a motion to approve the minutes of the March 18, 1998 meeting. The motion was approved. The minutes will be corrected to reflect that Graffis attended the March 18, meeting.

Item 3. Report of the Clerk

O'Hara introduced Susan Frankel from the City Attorney's office who will be replacing Giorgi as counsel to the SOTF in 2 months.

O'Hara distributed a number of documents to members, including a copy of the Sunshine Ordinance, a complaint against the Planning Commission, a memo reviewing public records laws and an item for the May meeting regarding the Public Health Department's request to extend an exemption for rate disclosure for a managed care contract.

Harris asked why no public copies were available of reference materials or action items. It was explained that copies of action items are made available to the public at meetings and other documents are available for public inspection from the Clerk of the Task Force and copies would be made on request.

Item 4. Members' Questions and Comments

Watkins expressed concern about the state of the equipment for tape recording Task Force meetings. Brannon asked whether meeting agendas were posted in the building. Planthold explained that agendas were posted in the Clerk's office and at the Public Library. Brannon agreed to see that the SOTF meetings are listed in the *Independent*. Brannon asked that item 14

be addressed first because he had to leave early.

Item 14. Extension of Sunshine Ordinance jurisdiction to Treasure Island Development Authority.

Planthold explained that Supervisor Yaki's resolution on the Treasure Island Development Authority (TIDA) would extend the Sunshine Ordinance to TIDA. TIDA is established by the state, not the City, so the Sunshine Ordinance does not apply. Giorgi noted that the resolution may not have any legal force, but that a body such as TIDA could by policy agree to abide by the Sunshine Ordinance. Brugmann offered and Watkins and Brannon seconded a motion to support Supervisor Yaki's resolution to extend the Sunshine Ordinance to TIDA.

Item 5. Recommend amendment to the Sunshine Ordinance, clarifying Section 67.25, relating to immediate disclosure requests.

This item was continued to the May meeting because no new material was available.

Item 6. Approval of proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.

Brugmann offered and Watkins seconded an amendment to previously adopted language in a proposed amendment to the Sunshine Ordinance to require disclosure of leases of $500,000 or more and of a term of one year or more. The motion was approved.

Item 7. Recommend amendment to the Sunshine Ordinance to require all city departments to provide annual reports of sole source contracts.

Giorgi stated that Frankel would draft this language for the next meeting.

Item 8. Discussion of legal settlements - when is public disclosure of suit and substance necessary and appropriate? (Discussion)

This issue arose from a concern about a commission considering settlement of a lawsuit in closed session. Giorgi stated that settlements are not final until a court approves them. The Board of Supervisors has final say for the City for settlements over $6000. However, Boards and Commissions often review settlements before they go the Board for final approval because they are named plaintiffs. This review may occur in closed sessions to protect the City's position in negotiations that ultimately must be approved by the Board of Supervisors. Wong discussed a provision of the Public Records Act that public report of an action taken in closed session, including considering settlements, does not have to occur until there is final action, although the law is not clear about what constitutes final action. Brugmann asked whether the law could make clear that settlement terms be disclosed when a Commission considers it. Sutley expressed

concern about making it harder for the City to settle, rather than litigate cases. Brugmann also noted that final documents are not always made available, even after final Board action. Watkins asked for clarification about when settlement terms and documents are made available to the public.

Item 9. Authorizing support from SOTF for 22 April Finance Committee item on extending some aspects of the Sunshine Ordinance jurisdiction to city-funded non-profits.

Planthold and Graffis participated on Supervisor Ammiano's ad-hoc task force on extending sunshine to city funded non-profits. The recommendations included requiring non-profits to provide for public comment at their board meetings and require board meeting agendas must be noticed and posted. These recommendations will be heard by the Finance Committee Brugmann offered and Watkins seconded a motion to extend sunshine to City funded non-profits. Graffis noted that the ad-hoc task force also discussed using the SOTF to request information from the non-profits, but Planthold said he was not sure that was included in Supervisor Ammiano's drafting request to the City Attorney. Ramirez expressed concern about the burden on particularly small non-profits and noted that non-profits already had to provide certain information to their funding agencies. He suggested that the Task Force consider providing more guidance to non-profits. The motion was approved.

Public Comment on Items Not on the Agenda (5:40)

None.

Item 10. Adopt recommendation to Rules Committee supporting Supervisor Ammiano's call for: "a policy to involve the Sunshine Ordinance Task Force in the consideration and review of proposed amendments to the City's Sunshine Ordinance."

Wong offered and Sutley seconded a motion to support Supervisor Ammiano's recommendation. The motion was approved.

Item 11. Annual Report - Delegate Drafting Responsibility

Planthold explained that the Sunshine Ordinance requires the Task Force to prepare an annual report. The report is due to be considered at the June meeting. Sutley volunteered to draft the report. Ramirez offered and Wong seconded a motion noting that Sutley will draft the annual report. The motion was approved.

Item 12. SOTF Rule Change: Authorize developing and publishing a cumulative attendance chart for members.

Watkins expressed that it would be a good idea to keep a cumulative attendance chart for Task Force members for inclusion in the Annual Report and that this requires a rule change. Watkins

offered and Wong seconded a motion to include a cumulative attendance chart in the Annual Report. The motion was approved.

Item 13. Authorize drafting amending legislation to fully extend all aspects of Sunshine Ordinance jurisdiction to newly-formed bodies currently subject only to passive meeting requirements.

This items covers suggested changes to disclosure requirements for bodies subject to passive meeting requirements, that is advisory committees created in writing. Extending disclosure requirements to other kinds of groups not currently subject to passive meeting requirements, such as "friends of" could be considered at future meetings. Brugmann offered and T. Taylor seconded a motion to amend the item to remove the words "newly formed." Wong asked if the passive meeting provision could simply be deleted. Giorgi stated that the definition of these kinds of groups would have to be added to the Ordinance. J. Taylor asked whether this would apply to all advisory committees and stated in might discourage City departments from seeking public input. Sutley asked that the Task Force consider the purpose of committees. Planthold suggested continuing this item until the next meeting and asked for additional input.

Item 15. Recognition of the Clerk of the Board of Supervisors John Taylor, on the occasion of his retirement announcement, for his service to the SOTF and to fair and impartial government.

This item was continued until July.

Item 16. Setting Future Agenda

-- hear the complaint against the Planning Commission.
-- revisit items 5, 6, 7 and 13.
-- hold elections for Sunshine Ordinance Task Force officers.
-- consider Department of Public Health exemption extension request.
-- hear complaint against the Fire Department.

Adjournment

Wong offered and T. Taylor seconded a motion to adjourn. The motion passed and the meeting was adjourned at 6:20 pm.

Sunshine Ordinance Task Force

City and County of San Francisco

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AGENDA
MEETING OF THE SUNSHINE ORDINANCE TASK FORCE

May 20, 1998, 4PM
1660 Mission Street
Room 2001

1) Roll Call
2) Approval of Minutes
3) Clerk's Report
4) Members' Questions & Comments
5) Legislative Update on Bd. of Supes. proposals affecting the Sunshine Ordinance (INFORMATION)
6) Recommend amendment to Sunshine Ordinance to modify and extend exemption of certain types of SF DPH contracts involving capitation rates for health care services from timely disclosure. (ACTION)
7) Recommend Budget Estimate for Funding staff & admin. support to SOTF. (ACTION)
8a) Report on Non-Profit Accountability Task Force and extension of some aspects of Sunshine Ordinance jurisdiction to city-funded non-profits. (Ruach Graffis) (INFORMATION)
8b) Review & Comment on draft of amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance,to city -funded non-profits. (ACTION)
9) Review & Comment on proposed amendment to Section 67.24 of Sunshine Ordinance to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts. (ACTION)
Note: This item to be continued to the June meeting, at sponsor's request.
10) Annual Election of Officers (ACTION)
11) SOTF Annual Report--Status Update (INFORMATION
12) Discussion of Task Force Procedures and Rules. (INFORMATION)
13) Setting Future Agenda
14) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA.
(This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, May 20, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The March meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, on Wednesday, May 20, 1998.

Item 1. Roll Call
Members present: Charlotte Berk, Ruach Graffis, David Pilpel, Robert Planthold, David Watkins, Timothy Taylor, Nicole Wong
Ex-officio members present: Susan Frankel, Rachel Arnstine O'Hara, John Taylor
Members absent: Johnny Brannon, Bruce Brugmann, Enrique Ramirez, Nancy Sutley

Item 2. Approval of Minutes

A motion was offered and seconded to approve the minutes of the April 15, 1998 meeting. The motion was approved.

Item 3. Report of the Clerk

O'Hara noted that there were new complaints in the file that had been referred to the City Attorney or resolved.

Item 4. Members' Questions and Comments

Wong offered and Graffis seconded a motion to suspend the rules for the purposes of continuing the annual election of officers until early in the agenda for the June meeting. The motion was approved.

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance.

Planthold noted that Supervisor Ammiano has offered a resolution to require that the Sunshine Ordinance Task Force review and comment on legislation affecting the Sunshine Ordinance. John Taylor reported that a proposed amendment to extend some aspects of sunshine to non-profits who receive city funds has been introduced and referred to the Finance Committee. John Taylor suggested that members review lists of legislation introduced available in the Clerk's office. John Taylor also noted that Supervisor Brown offered a resolution to delete the requirement that two members of the Task Force, one attorney and one working press, be recommended by the local chapter of the Society of Professional Journalists. The resolution would replace those slots with a

member of the press (to increase that number to two) and an attorney. The resolution has been referred to the Rules Committee.

Item 6. Recommend amendment to the Sunshine Ordinance to modify and extend exemption of certain types of SF DPH contracts involving capitation rates for health care services from timely disclosure.

Planthold explained that three years ago, the Department of Public Health (DPH) asked for a three year exemption from timely disclosure for contracts involving capitation rates for managed care because of concerns about the city's competitive position during negotiations. DPH is now asking that the exemption be made permanent. Dr. Mitch Katz, Director of the Department of Public Health, explained that the exemption only applies to the rates and not to the contracts, and helps to keep rates down. Dr. Katz reported that there had only been one request from the public to review contracts and the requestor was not interested in the rates. A motion was offered and seconded to recommend an amendment to the Sunshine Ordinance to make the exemption from timely disclosure requirements for capitation rates permanent. The motion was approved.

Item 7. Recommend Budget Estimate for Funding staff and administrative support to the SOTF.

O'Hara reported that she spent 5 - 10 hours per week on non-meeting weeks and 10 - 15 hours per week when there is a meeting. She also noted that she made 200 - 500 copies per month for Task Force business. Planthold asked that the Deputy City Attorney track her time over the next month. Pilpel offered a motion to ask the Board of Supervisors and the Ethics Commission to move the Task Force under the Ethics Commission and that the Commission provide a staff person quarter time and appropriate money for copying for the SOTF. The motion was seconded. Berk asked about the Ethics Commission had the capacity to assume these functions. The motion was approved.

Public Comment on Items Not on the Agenda

There was no public comment.

Item 8a. Report on Non-Profit Accountability Task Force and extension of some aspects of Sunshine Ordinance jurisdiction to city-funded non-profits.

Graffis reported that the Non-Profit Accountability Task Force had four recommendations: 1. open public meetings; 2. public access to records; 3. access to Board elections; and 4. some complaint mechanisms. Graffis reported that the legislation offered by Supervisor Ammiano was weaker than the recommendations and provides for basic information to be made available to the public, public notice/access to two meetings per year and that members of the public can nominate themselves for Board positions. The proposed legislation provides that complaints can come to the Sunshine Ordinance Task Force, but there are no penalties associated with it. Planthold stated

that concerns about non-profit accountability had come up with respect to services previously provided by the city, but now contracted to non-profits not subject to Sunshine.

Item 8b. Review and Comment on draft of amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance, to city-funded non-profits.

Planthold noted that the Task Force did not have the latest version of the draft. Pilpel offered and Wong seconded a motion to continue consideration of this item, ask the Board of Supervisors to delay action, and that Graffis provide a summary of the non-profit accountability Task Force recommendations. The motion was approved.

Item 9. Review and Comment on proposed amendment to Section 67.24 of Sunshine Ordinance to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.
Note: This item to be continued to the June meeting, at sponsor's request.

Item 10. Annual Election of Officers.

Per item 4, this item was continued to the June meeting.

Item 11. SOTF Annual Report - Status Update.

This item was continued until the June meeting.

Item 12. Discussion of Task Force Procedures and Rules.

This item was continued until the June meeting

Item 13. Setting Future Agenda

-- continue items 8b, 9, 10, 11 and 12.

Adjournment

Sunshine Ordinance Task Force

City and County of San Francisco

AGENDA

MEETING OF THE SUNSHINE ORDINANCE TASK FORCE

June 17, 1998, 4 pm

Room 2001

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1) Roll Call

2) Annual Election of Officers (ACTION)

3) Approval of Minutes

4) Clerk's Report

5) Legislative Update on Bd. of Supes. proposals affecting the Sunshine Ordinance (Presentation by Supe. Ammiano) (INFORMATION)

6) Review & Comment on proposed amendment to Sect. 67.24 of Sunshine Ordinance to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts. (ACTION)

7) SOTF Annual Report--Status Update (Information)

8) Discussion of Task Force Procedures and Rules. (INFORMATION)

9) Review & Comment on approved amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance, to include some city-funded non-profits.

10) Setting Future Agenda

11) Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA.
(This will be the first new item of business considered after 5:00pm. There will also be an opportunity for the members of the public to speak to each Agenda item).

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

FILE NO. _____ ORDINANCE NO. _____

[Sunshine Ordinance Task Force Membership]

AMENDING ARTICLE IV, CHAPTER 67, PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE), BY AMENDING SECTION 67.30 TO DELETE THE REQUIREMENT FOR THE SELECTION OF TWO MEMBERS OF THE SUNSHINE ORDINANCE TASK FORCE FROM NAMES SUBMITTED BY THE LOCAL CHAPTER OF THE SOCIETY OF PROFESSIONAL JOURNALISTS.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article IV, Chapter 67 of the San Francisco Administrative Code is hereby amended by amending Section 67.30(a), to read as follows:

Section 67.30. THE SUNSHINE ORDINANCE TASK FORCE. (a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting members appointed by the Board of Supervisors. ((Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist.)) ((One)) Two members shall be appointed from the press or electronic media who ((has)) have an interest in the issues of citizen access and participation in local government. One member shall be an attorney who has demonstrated interest in or has experience in the issues of citizen access and participation in local government. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Five members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. At all times the Task Force shall include at least one member who

shall be a member of the public who is disabled and who has demonstrated interest in citizen access and participation in local government. The Mayor and his or her designee, and the Clerk of the Board of Supervisors and his or her designee, shall serve as nonvoting members of the Task Force. The City Attorney shall serve as legal advisor to the Task Force.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
THOMAS OWEN
Deputy City Attorney

No. 0421

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

Date: June 4, 1998

TO: CITY ATTORNEY File No.

FROM: Clerk of the Board of Supervisors

SUBJECT: Sunshine Ordinance Sponsor: Supervisor Newsom

You are requested to submit to the Clerk of the Board the following:

- [X] Ordinance
- [ ] Motion
- [ ] Charter Amendment
- [ ] Opinion or Advice
- [ ] Resolution
- [ ] Other-

Purpose *(including any specific provisions desired)*:

Please draft language to amend the Sunshine Ordinance to create a position for a seat on the Task Force to be represented by the Non-Profit Community.

John L. Taylor

002

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, June 17, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The June meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:05 pm on Wednesday, June 17, 1998.

Item 1. Roll Call
Members present: Johnny Brannon, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Nancy Sutley, David Watkins, Nicole Wong
Ex-officio members present: Susan Frankel, Rachel Arnstine O'Hara, John Taylor
Members absent: Charlotte Berk, Amelia Ashley-Ward

Planthold announced that Timothy Taylor had resigned from the Task Force

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance -- Presentation by Supervisor Ammiano.

This item was discussed first because of Supervisor Ammiano's schedule. Supervisor Ammiano explained that as Chair of the Rules Committee he wanted to see Boards and Commissions whose appointments came through the committee. He also explained that it was important to insure diversity on the Task Force and that there was a new sensitivity to neighborhood representation. Supervisor Ammiano noted that the Board had passed a resolution to require the matters coming before the Board regarding the Sunshine Ordinance go to the SOTF for review and comment. He asked that SOTF members come to an upcoming Rules Committee hearing to offer any views on Supervisor Brown's proposal to delete the requirement that the Society of Professional Journalists nominate two members to the SOTF. He pointed out a letter from Mayor Brown making a connection between Supervisor Brown's proposal and Task Force diversity. Supervisor Ammiano explained that the non-profit accountability legislation was awaiting action by the Mayor. It could become law if the Mayor signed it or did not act within a period of time. If vetoed, it might come back to the Board. Supervisor Ammiano noted that the final legislation provided that disputes would come to the SOTF only after review by the appropriate City department. Planthold asked about a proposal by Supervisor Newsom to add a seat to the SOTF for a representative from the non-profit community. Brugmann expressed concern about adding categories of seats to the Task Force. Pilpel noted that the SOTF had been discussing staffing and funding.

Item 2. Annual Election of Officers

John Taylor conducted the annual election of Task Force officers. Taylor stated he would open the nominations, that no second was necessary, anyone could nominate or vote for his or herself

and nominations would close when there were no further nominations. The election would be determined by a majority of the Task Force. Brugmann nominated Pilpel for the position of Chair. Sutley nominated Planthold for the position of Chair. There were no more nominations. Pilpel was elected to the position of Chair. Graffis nominated Planthold for the position of Vice-Chair. There were no more nominations. Planthold was elected Vice-Chair. Planthold nominated Sutley for the position of Secretary. There were no more nominations. Sutley was elected Secretary. Brugmann nominated Brannon for the position of Media Liaison. There were no more nominations. Brannon was elected Media Liaison. Pilpel took over as chair of the meeting.

Item 3. Approval of Minutes

Planthold offered and Brugmann seconded a motion to approve the minutes of the May 20, 1998 meeting. The motion was approved.

Item 4. Report of the Clerk.

O'Hara reported that there were a number of complaints in the file and that all were responded to. All complaints were closed by the City Attorney except one. Planthold asked what procedure was used to determine that a complaint was closed. O'Hara explained that some complaints were determined not to be sunshine in nature. Other complaints are resolved by the Clerk or the City Department to the satisfaction of the complainant. Frankel also explained that the Deputy City Attorney, based on investigation or review of the law, can determine that no further action is necessary. The complainant can disagree and ask for a hearing by the SOTF. Brugmann asked about an earlier complaint against the Fire Commission. Frankel reported that it was not yet resolved.

Planthold offered and Wong seconded a motion to add Members' Questions and Comments to the agenda as it had been inadvertently omitted from the agenda. The motion was approved.

Item 4a. Members' Questions and Comments

Watkins asked if SOTF meetings could be listed in the *Independent* newspaper. Pilpel reported on his and Planthold's discussions with the Ethics Commission about assuming the administrative functions of the Task Force. Pilpel noted that there was no resolution, but that the Ethics Commission still had concerns about staffing and physical space to house the SOTF function and the budget process could answer those concerns. Pilpel suggested asking that Supervisors send letters to Finance Committee Chair Teng. Brugmann mentioned that there was an effort to add a Sunshine Initiative to the November ballot

Public Comment on Items Not on the Agenda (5:11 pm)

Joe Partanksy from the Better Government Task Force (Contra Costa County) referred the Task Force to several reference documents on the Public Records Act and California's conflicts of

interest rule.

Item 6. Review and Comment on proposed amendment to Section 67.24 of the Sunshine Ordinance to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts.

The Task Force reviewed draft legislative language concerning sole source negotiations. Brugmann asked that the draft language be changed for Sec. 67.24(e)(3)(b) to reflect a motion adopted at the March meeting. The language should read "leases or permits having total anticipated revenue or expense to the City and County of 500,000 dollars or having a term of 1 year or more;." Frankel pointed out that the Task Force should not take final action on this item given how it appeared on the agenda. Planthold recalled that in an earlier discussion of this subject, the City Attorney's office had expressed concerns that early disclosure could hurt the City's position in negotiations and about the potential burden on City departments of preparing negotiation summaries. Planthold also asked if the definitions of sole source contracts would be clear to City departments. Pilpel noted that Sec. 67.24(e)(3) attempted to narrow the definition of sole source contracts. Pilpel asked that the Deputy City Attorney review the burden issue again and that the item be recalendared for action at the July meeting.

Item 7. SOTF Annual Report -- Status Update

Sutley reported that she intended to follow a similar format as last year's annual report to the Board and outline the themes that the Task Force had focused on over the past year. Sutley stated she would have a draft ready for review by the Task Force at the July meeting. Watkins said he would produce a Task Force member attendance list for May 1997 through April 1998 to append to the report.

Item 8. Discussion of Task Force Procedures and Rules

Pilpel suggested that the Chair, Vice-Chair, Clerk of the Task Force and Deputy City Attorney meet to discuss certain Task Force procedures and rules and report back to the Task Force with any suggestions.

Item 9. Review and Comment on approved amendment to extend some aspects of the SF Administrative Code, including Sunshine Ordinance, to include some city-funded non-profits.

It was reported that the amendment had passed the Board of Supervisors and was on the Mayor's desk awaiting action. The Mayor had not indicated whether he intended to sign the legislation, veto it or not act with the prescribed time and therefore become law. Pilpel suggested that depending on the Mayor's action, the Task Force might want to discuss Section 12.L.5.b. which gives the SOTF some dispute resolution authority.

Item 5. Legislative Update on Board of Supervisors proposals affecting the Sunshine Ordinance - Reopened.

This item was reopened to discuss Supervisor Brown's proposal to change the composition of the SOTF to eliminate the recommendation for two seats by the Society of Professional Journalists (SPJ). The Mayor had sent a letter to John Taylor, Clerk of the Board of Supervisors, expressing, among other things, concern about diversity with respect to those seats. Brugmann stated that the Sunshine Ordinance provided for these seats because the Task Force was intended to be independent of city government, the Mayor and the Board of Supervisors. Wong stated that she filled one of the SPJ seats and added to the diversity of the Task Force. Task Force members were encouraged to express their thoughts on this proposal at the upcoming Rules committee hearing.

Item 10. Setting Future Agenda

-- Follow-up on Task Force procedures and rules.
-- Discussion of Supervisor Newsom's proposal to add a member of the non-profit community to the SOTF.
-- Action on proposed legislative language on disclosure of sole source contracts.
-- Review and action and the Annual Report.
-- Non-profit accountability legislation update.
-- Discussion of Supervisor Brown's proposal to eliminate the nomination of Task Force members by the Society of Professional Journalists.
-- Hearing on the complaint against the Fire Commission if it has not been resolved.
-- Discussion of the potential Sunshine ballot initiative.

Item 11. Adjournment

The meeting was adjourned at 6:20 pm.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Wed 15 Jul 1998 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Charlotte Berk
Bruce Brugmann
Ruach Graffis
David Watkins
Nicole Wong
2 vacancies

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
John Taylor, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

Disability Access

The Sunshine Ordinance Task Force meeting location is Room 2001 at 1660 Mission Street, San Francisco, between Division Street and South Van Ness Avenue (the Department of City Planning/Department of Building Inspection building).

The meeting location is wheelchair accessible. The closest BART station is 16th Street Mission, about four blocks from the meeting location, straight up Mission Street. Accessible Muni lines nearest the meeting location are: 9 San Bruno, 14 Mission, 42 Downtown Loop, 49 Van Ness-Mission, 71 Haight-Noriega, F Market, and Muni Metro (Van Ness station). For more information about Muni accessible services, call (415) 923-6142.

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Lobbyist Ordinance

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Sunshine Ordinance Task Force – Final Agenda – Jul 1998

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Discussion of Sunshine Ordinance Task Force rules and procedures

6. Discussion of Task Force Budget and Staffing proposal

7. Discussion of the role of the Sunshine Ordinance Task Force Media Liaison

8. Adoption of 1997-1998 Annual Report of the Sunshine Ordinance Task Force

9. Discussion of Non-profit Accountability Ordinance and its impact on the Sunshine Ordinance Task Force

10. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

    a. Amos Brown proposal to amend section 67.30 to delete the requirement for the selection of two members of the Sunshine Ordinance Task Force from names submitted by the local chapter of the Society of Professional Journalists

    b. Gavin Newsom proposal to create a position for a seat on the Sunshine Ordinance Task Force to be represented by the non-profit community

11. Recommendation to the Board of Supervisors on proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure of documents or summaries of certain sole source negotiations and final contract awards including contract dollar amounts

12. Discussion of proposals from the Society of Professional Journalists regarding a series of amendments to the Sunshine Ordinance

13. Consideration of rescheduling regular August meeting

14. Review agenda items for the next meeting

15. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, July 15, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The July meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at 4:08 pm on Wednesday, July 15, 1998.

Item 1. Call to Order/Roll Call
Members present: Charlotte Berk, Johnny Brannon, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Nancy Sutley, David Watkins
Ex-officio members present: Susan Frankel, Rachel Arnstine O'Hara, John Taylor
Members absent: Nicole Wong

Item 2. Approval of Minutes

Watkins offered and Brugmann seconded a motion to approve the minutes of the June 17, 1998 meeting. The motion was approved.

Item 3. Report of the Clerk.

O'Hara passed around the complaint and communications log. She mentioned that the only outstanding case involved the European-American Forum.

Item 4. Members' Questions and Comments

Watkins commented about the format of the Task Force meeting agenda and whether it adequately described the intended action. He stated that it was helpful to have the intended action in parenthesis. Watkins also asked that Task Force meetings be listed in the *Independent*.

Item 5. Discussion of Sunshine Ordinance Task Force rules and procedures

Pilpel reported on a meeting with Vice-Chair Planthold, O'Hara and Frankel to discuss guidelines for developing Task Force meeting agendas and the complaint process. Pilpel noted that under procedures developed earlier in the year by the Task Force, members could request agenda items up to ten days before the meeting. Pilpel and O'Hara review the agenda request and seek input from the Deputy City Attorney. Pilpel reviewed the complaint procedure, noting that the Clerk of the Task Force and Deputy City Attorney first attempted to resolve complaints before forwarding them to the Task Force. Pilpel sought input from members on rules and procedures and noted that any proposed rule or procedure change needs ten days notice.

Item 6. Discussion of Task Force Budget and Staffing Proposal

Pilpel reported that there were no new developments.

Item 7. Discussion of the role of the Sunshine Ordinance Task Force Media Liaison

Brannon discussed issuing media advisories describing highlights of upcoming meetings. Task Force members agreed that descriptions of agenda items with some context and history makes sense as long as the descriptions are factual. Brannon asked that he get agenda items early enough to issue the media advisories well ahead of the meeting. Brannon agreed that the advisory should be distributed widely. Sutley asked whether meeting agendas could be posted on the City's web site. Pilpel noted that he wanted to have a discussion in the future about electronic access.

Item 8. Adoption of 1997 - 1998 Annual Report of the Sunshine Ordinance Task Force

Members requested graphical representation of the attendance list. Pilpel stated he would draft a transmittal letter to the Board of Supervisors. Brugmann offered and Graffis seconded a motion to approve the annual report and transmit it to the Board of Supervisors.

Item 9. Discussion of Non-Profit Accountability Ordinance and its impact on the Sunshine Ordinance Task Force

Pilpel reported that since the last meeting, the Mayor had signed the new ordinance. The ordinance creates a sequential review process where complaints are initially referred to the particular department and if they cannot be resolved, they then come to the Sunshine Ordinance Task Force under procedures developed by the Board of Supervisors. There was a discussion about whether the Task Force should try to develop complaint resolution procedures for City departments and the Board of Supervisors. The Task Force felt it would be useful to review the Task Force's last written complaint procedures to see if they were adequate. Some members also suggested surveying city departments to see how many non-profits may be covered.

Item 10. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

b. Gavin Newsom proposal to create a position for a seat on the Sunshine Ordinance Task Force to be represented by the non-profit community

Mike Farah from Supervisor Newsom's office stated that the proposal had not yet been introduced as legislation, but had been developed because of the SOTF's oversight role in the non-profit accountability legislation. Farah noted that in his discussions, he had heard two criticisms of the proposal: first, it would dilute the SOTF and that it was premature. Planthold asked what was meant by "demonstrated expertise in operations of non-profits" and whether current SOTF members who were also on non-profit boards could qualify. Brugmann stated, and

Graffis agreed, that the primary purpose of the SOTF was to promote open government and that members first needed to demonstrate an interest in open government. Watkins expressed concern that the proposal would reduce the number of seats to be filled by the general public and noted that there were existing SOTF vacancies. Sutley expressed that the proposal seemed premature. During public comment, Ney suggested adding a general qualification for SOTF members of demonstrated interest in citizen access.

a. Amos Brown proposal to amend section 67.30 to delete the requirement for the selection of two members of the Sunshine Ordinance Task Force from names submitted by the local chapter of the Society of Professional Journalists

Pilpel noted that a Rules committee hearing on this proposal, previously discussed by the SOTF, had been continued. In developing this proposal, Supervisor Brown had expressed concern about diversity within the SPJ appointments. Planthold stated that the Board of Supervisors in enacting the Sunshine Ordinance had intended the Task Force to be an independent body. Brugmann explained that the media organizations were concerned about diversity. Sutley stated that organizations nominating SOTF members should consider diversity. Brannon offered and Graffis seconded a motion that the Task Force communicate to the Board of Supervisors its concerns about the Brown proposal and mention existing vacancies on the Task Force The motion was approved.

Item 13. Consideration of rescheduling regular August meeting

Pilpel asked whether the Task Force wanted to reschedule the regular August meeting because of anticipated absences. The Task Force decided to keep the regular meeting date of August 19, with Vice-Chair Planthold presiding.

Public Comment on Items Not on the Agenda (5:37 pm)

Joe Partansky from the Contra Costa Open Government Task Force advised the Task Force of some pending legislation, including SB 2174 that would amend the Public Records Act to clarify that a record request could not be denied because of quantity and SB 143 that defines public agencies.

Item 11. Recommendation to the Board of Supervisors on proposed amendment to the Sunshine Ordinance, Section 67.24, to require disclosure or summaries of certain sole source negotiations and final contract awards including contract dollar amounts

Brugmann stated that the purpose of this amendment was to provide the public with timely access to information regarding the negotiation of sole source contracts, permits leases and franchises. The legislation would require timely disclosure of documents or summaries pertaining to negotiation of such contracts that met certain thresholds. The Task Force discussed this amendment over a number of meetings. Brugmann offered and Berk seconded a motion to

recommend this amendment to the Board of Supervisors. The motion was approved.

Item 12. Discussion of proposals from the Society of Professional Journalists regarding a series of amendments to the Sunshine Ordinance

Tom Burke, counsel for the Society of Professional Journalists (SPJ), presented a package of potential amendments to the Sunshine Ordinance that SPJ was considering offering as a ballot measure. The amendments were intended to clarify certain issues or close perceived loopholes and were based on experience with using the ordinance in practice. The proposed amendments covered subjects such as the role of the City Attorney, penalties for violating the Sunshine Ordinance, inventories of public records, access to meetings and records of advisory groups and timely disclosure of legal settlements.

Adjournment

Sunshine Ordinance Task Force

City and County of San Francisco

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of ***Cancellation*** of Regular Meeting

Wed 19 August 1998 • 4PM

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong
2 vacancies

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
John Taylor, Clerk of the Board of Supervisors

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401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Wed 26 August 1998 • 4PM
401 Van Ness Ave • Room 410
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong
2 vacancies

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
John Taylor, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

Disability Access

This Sunshine Ordinance Task Force meeting will be held in Room 410 at 401 Van Ness Avenue, San Francisco, between McAllister Street and Hayes Street (the War Memorial and temporary City Hall building).

The meeting location is wheelchair accessible. The closest BART station is Civic Center, about five blocks from the meeting location, up McAllister Street. Accessible Muni lines nearest the meeting location are: 9 San Bruno, 14 Mission, 42 Downtown Loop, 49 Van Ness-Mission, 71 Haight-Noriega, F Market, and Muni Metro (Van Ness station). For more information about Muni accessible services, call (415) 923-6142.

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Sunshine Ordinance Task Force – Final Agenda – 26 August 1998

1. Call to Order/Roll Call

2. Presentation by San Franciscans for Sunshine regarding proposed Sunshine Initiative and Discussion of Task Force role in considering these proposed amendments to the Sunshine Ordinance. (DISCUSSION ITEM: A schedule of hearings and topics may be set, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

3. Presentation by retiring Clerk of the Board of Supervisors John Taylor regarding public access to meetings and records (DISCUSSION ITEM)

4. Review agenda items for the next meeting

5. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

August 26, 1998

The Minutes of this meeting are missing.

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Sunshine Ordinance Task Force
City & County of San Francisco

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Notice of Regular Meeting and Agenda

Wednesday 16 September 1998 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong
2 vacancies

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

Disability Access

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Sunshine Ordinance Task Force – Final Agenda – 16 September 1998

1. Call to Order/Roll Call

2. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

3. Task Force Members' Questions and Comments

4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance). (DISCUSSION ITEM: This meeting will focus on public meeting requirements. The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

5. Review agenda items for the next meeting

6. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, September 16, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The regular September meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at 4:08 pm on Wednesday, September 16, 1998.

Item 1. Call to Order/Roll Call
Members present: Johnny Brannon, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Tuesday Ray, Nancy Sutley, David Watkins
Ex-officio members present: Mario Kashou, Rachel Arnstine O'Hara
Members absent: Nicole Wong

Item 2. Report of the Clerk.
a. Complaint Log
b. Communications Log

O'Hara passed out the communications and complaint log. O'Hara noted that a new complaint had just been received and that the Koller complaint had been referred to the Deputy City Attorney. Brugmann asked for the status of the remaining complaints. Mr. Darminan was present at the meeting and all other complaints were with the City Attorney's office and not yet closed.

Item 3. Task Force Members' Questions and Comments

Planthold pointed out a series appearing in the *San Francisco Chronicle* on religious organizations which had contracts to provide services to the City. Planthold noted that the article misstated how the Sunshine Ordinance applied to these groups.

Item 4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meeting requirements.

Pilpel proposed to review Article 2 of the Sunshine Ordinance which contains the public meeting requirements section by section. He stated that the Task Force might discuss recommendations of certain changes to the Sunshine Ordinance, but not take any final action to forward any recommendations. He also invited people to submit written comments to the Task Force. He asked a representative of San Franciscans for Sunshine to explain their proposed amendments when the Task Force reached a particular section. 67.3 - Definition of meetings and bodies - Pilpel asked task force to consider whether the same requirements should apply to all entities defined as "policy bodies" and whether all committees that consist solely of city employees be

exempt, particular those that provide policy recommendations. 67.4 - Passive meetings - Neas, Counsel for San Franciscans for Sunshine (SFS), suggested that advisory bodies that provide policy recommendations be required to notice meetings. Pilpel asked that members focus specifically on the SFS' proposed definition of covered entities. Planthold gave the example of the formation of the Mayor's Taxi Task Force. In discussing proposed language covering entities who have contracts with the City, Neas commented that the City Attorney had raised concerns about disclosure of materials that were exempt under attorney/client privilege. During public comment, several members of the public discussed that the Taxi Task Force had explicitly been formed to provide recommendations to the City. 67.6 - Time and place - During public comment, Darminan noted that some bodies did not notify the public of meeting cancellations and that the public library does not get all meeting notices. O'Hara noted that most bodies have mailing lists that they use to notify interested parties of meetings. 67.7 - agenda descriptions - the ordinance requires that agendas provide meaningful description of items and Pilpel suggested adding language to ensure that the agendas provide sufficient information so that public can reasonably anticipate the contemplated action. SFS suggested agendas be posted on the internet. Pilpel also suggested that material be sent out via e-mail and that agendas should contain the body's internet address.

Public Comment on Items Not on the Agenda (5:09 pm)

Neas noted that the Rules Committee was going to hear Supervisor Brown's amendment to eliminate Society of Professional Journalists' nominations to the SOTF at its upcoming meeting. Darminan discussed his complaint against the Fire Commission stemming from a meeting where he was not allowed to speak and a further issue of not being notified when a meeting of the Fire Commission was cancelled. Pilpel stated that the SOTF would hold a formal hearing on this complaint at the October meeting.

Item 4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meeting requirements. (CONTINUATION)

67.8 - agenda disclosure for closed sessions - Pilpel suggested that case name, case number, and jurisdiction be listed for existing litigation. 67.9 - agendas and materials - All materials distributed to a policy body become public records. Pilpel suggested that full copies of materials which bodies are discussing at a meeting be made available to the public at the meeting. Sutley suggested posting materials on the internet. SFS discussed a proposal to inventory and index all public records. It was noted that the public may not know from the agenda that a certain document will be discussed. Sutley suggested requiring that agendas specify whether a document for an agenda item exists. 67.10 - closed sessions for public facilities and employees - Pilpel asked the Deputy City Attorney to review the language for clarity and to ensure that references to the City Charter are correct. 67.11 - closed sessions for pending litigation - Planthold asked for clarification about when litigation is considered pending. Pilpel noted that this section was intended to be a narrow exemption and should not be used to discuss policy matters which may have legal implications in closed session. 67.14 - disclosure of closed session discussions and actions -SFS proposed changes to require disclosure of draft settlements or collective bargaining agreements in

anticipation of action on the settlement or agreement by a policy body. The City Attorney raised concerns about the potential impact of such a requirement on the city's bargaining position. Pilpel asked that further consideration be given to making this section work. The task force agreed to continue the discussion of Article II at the October meeting.

Item 5. Review agenda items for the next meeting.

-- Complete discussion of Article II of the Sunshine Ordinance
-- Hear formally the Darminan Complaint
-- Start discussion of Articles I and IV of the Sunshine Ordinance
-- Discuss Presidio Trust resolution
-- Discuss Supervisor Yee proposal regarding public access to Board of Supervisors' meetings and opportunities for public participation.

Item 6. Adjournment

Planthold offered and Brugmann seconded a motion for adjournment. The meeting was adjourned at 6:03 pm.

Sunshine Ordinance Task Force

City and County of San Francisco

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Wednesday 21 October 1998 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force – Final Agenda – 21 October 1998

1. Call to Order/Roll Call

2. Chair's Introductory Remarks

3. Approval of Minutes

4. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

5. Task Force Members' Questions and Comments

6. Review Draft Fact Sheet on Non-profit Accountability Ordinance

7. Consideration of 2 complaints by John Darminin regarding the San Francisco Fire Department and San Francisco Fire Commission (NOTE: This item may be continued)

8. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

   a. Amos Brown proposal to amend section 67.30 to change the selection of two members of the Sunshine Ordinance Task Force from names submitted by the local chapter of the Society of Professional Journalists to include representation of the minority press or electronic media

   b. Gavin Newsom proposal to provide City codes on line

9. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

10. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

11. Review Agenda items for the next meeting

12. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, October 21, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The regular September meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at 4:15 pm on Wednesday, October 21, 1998.

Item 1. Call to Order/Roll Call
Members present: Angela Armstrong, Hilda Bernstein, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Tuesday Ray, Nancy Sutley, David Watkins
Ex-officio members present: Susan Frankel, Rachel Arnstine O'Hara, Gloria Young
Members absent: Johnny Brannon, Nicole Wong

Item 2. Chair's Introductory Remarks

Pilpel introduced and welcomed a new member of the Task Force, Hilda Bernstein and the new Clerk of the Board, Gloria Young.

Item 3. Approval of Minutes

Planthold offered and Ray seconded a motion to approve the minutes of the July 15, 1998 minutes. The minutes were approved. Planthold offered and Watkins seconded a motion to approve the minutes of the September 16, 1998 meeting. The minutes were approved.

Item 4. Report of the Clerk.
a. Complaint Log
b. Communications Log

O'Hara passed out the communications and complaint log. O'Hara asked the Task Force to consider combining the communications log and the complaint log because they duplicate each and create extra work for the Clerk. In response to an earlier question from Graffis, O'Hara explained that a case reported as closed either had a letter to the complainant from the Deputy City Attorney or were determined not to be Sunshine Ordinance related. O'Hara reported that, for example, the Deputy City Attorney had attempted to contact Mr. Gallagher about his complaint and when after a month he did not respond, the Clerk closed the case. Brugmann stated that the Gallagher complaint asking for records from the now-defunct Protocol office raised important issues. Pilpel noted that if Task Force members felt that a complaint raised a policy matter, they should request that it be put on the agenda for a future meeting. Frankel explained that she informed Mr. Gallagher that some records of the Protocol office were available from the Controller's office. Pilpel stated that he would review the purpose of the communications log

with the Clerk and he introduced and welcomed Angela Armstrong as a new member of the Task Force. Brugmann asked that the Task Force be informed of the status of pending legislation related to the Sunshine Ordinance.

Item 5. Task Force Members' Questions and Comments

Planthold asked if other Task Force members had trouble getting responses to detailed information requests. Planthold also stated he wanted to discuss how passive meeting requirements apply to certain bodies, such as the Mayor's Disability Council. Sutley asked that the agenda and materials be completed early enough for the Clerk to mail them out on time. Armstrong asked about the procedures for filing a complaint and bringing it to the attention of Task Force.

Item 6. Review Draft Fact Sheet on Non-Profit Accountability Ordinance

Members reviewed a fact sheet about non-profitability accountability amendments to the Sunshine Ordinance based on a memo from the City Attorney's office. Planthold pointed out that a fact sheet from the Controller's had conforming language for contracts and requests for proposals. Those guidelines also point out state-chartered agencies or authorities not subject to the Sunshine Ordinance or these requirements, including the School District, the Community College District, the Redevelopment Authority, the Transportation Authority and the Housing Authority. Armstrong asked who was subject to the new requirements. Bernstein asked whether the Task Force should request a legal opinion. Pilpel stated that the fact sheet was informational. Armstrong asked how the public could tell whether a non-profit is subject to these requirements and whether City agencies should keep track of which non-profits are subject.

Public Comment on Items Not on the Agenda (5:02 pm)

There was no public comment.

Item 7. Consideration of 2 complaints by John Darminan regarding the San Francisco Fire Department and San Francisco Fire Commission

Pilpel explained that there were two complaints from Mr. Darminan: 1) he was not permitted to comment at a Fire Commission meeting and 2) the Fire Commission cancelled a hearing without notice. Under the first complaint, Darminan stated that he was stopped by the Chief of the Fire Department from speaking at a Fire Commission meeting because he was not in full uniform. Darminan pointed out that he was off-duty and there to speak as a private citizen. Fire Department regulations prohibit firefighters from wearing their uniforms off-duty, although Darminan stated that it had been the practice that members of the Fire Department could speak as a private citizen when off-duty wearing a portion of their uniforms as long as the uniform parts were covered. At that meeting, Darminan had portions of his uniform on under his coat. The Chief and the Chair of the Commission threatened Darminan when he wished to speak. He chose

not to speak. Frankel stated that in response to the original complaint, she had suggested that the Fire Department clarify its rules about wearing uniforms off-duty and the Fire Department had not responded. Under the second complaint, Darminan stated that he had not been notified that a special meeting of the Fire Commission had been cancelled. The agenda for special meeting included a hearing on his suspension.
The Fire Commission did not appear at this hearing although they had been invited. Pilpel related a memo received from the Fire Department/Commission which stated that: 1) they clarified that Fire Department rules do not allow uniforms to be worn off-duty and issued an order; and 2) the suspension hearing was cancelled because the suspension was dropped. Pilpel noted that first complaint about public testimony did not reference specific sections of the Sunshine Ordinance and that notice requirements apply to meeting agendas, but not specifically meeting cancellations. Brugmann offered and Bernstein seconded a motion to send a letter to the Fire Commission 1) stating that Darminan provided a public service by raising this issue, 2) reprimanding the Fire Commission for their treatment of Darminan, 3) recommending that Fire Department clarify its rule regarding uniforms off-duty and apply it in a non-discriminatory manner and 4) including the failure to notify Darminan of the meeting cancellation. The motion was approved.

Item 8. Review pending legislation at the Board of Supervisors concerning the Sunshine Ordinance and consideration of comment to the Board of Supervisors relative thereto

a. Amos Brown proposal to amend section 67.30 to change the selection of two members of the Sunshine Ordinance Task Force from names submitted by the local chapter of the Society of Professional Journalists to include representation of the minority press or electronic media

Pilpel noted that Supervisor Brown had been invited to appear before the Task Force to discuss his legislation. Planthold offered and Watkins seconded a motion to ask that Supervisor Brown continue his legislation until he appeared before the Task Force to discuss it. The motion was approved.

b. Gavin Newsom proposal to provide City codes on line

Mike Farah of Supervisor Newsom's office spoke about Supervisor Newsom's proposed resolution to require that City codes be put on-line. Supervisor Newsom sponsored legislation to require that commission agendas and calendars be posted on-line. That legislation was adopted and signed by the Mayor. Farah noted that the Department of Telecommunications and Information Services was concerned about the cost of putting the codes on-line and DTIS suggested that those costs be included in the City budget. Planthold offered and Ray seconded a motion that the Task Force support Supervisor Newsom's resolution to require City codes to be put on-line. The motion was approved.

Item 9. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance).

Item 10. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4).

Items 9 and 10 were continued until the next meeting.

Item 11. Review agenda items for the next meeting.

-- Continue discussion of San Franciscans for Sunshine suggestions for amending the Sunshine Ordinance.

Item 12 Adjournment

The meeting was adjourned at 6:25 pm.

Sunshine Ordinance Task Force

City and County of San Francisco

Sunshine Ordinance Task Force
City & County of San Francisco

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Notice of Cancellation of Regular Meeting

Wednesday 18 November 1998 · 4PM

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

INFORMATION ABOUT NEXT MEETING ON BACK

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Special
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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of ***Special*** Meeting and Agenda

Wednesday, 2 December 1998 · 4PM
1660 Mission St · Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong

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Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

Disability Access

This Sunshine Ordinance Task Force meeting will be held in Room 2001 at 1660 Mission Street, San Francisco, between Division Street and South Van Ness Avenue (the Department of City Planning/Department of Building Inspection building).

The meeting location is wheelchair accessible. The closest BART station is 16th Street Mission, about four blocks from the meeting location, straight up Mission Street. Accessible Muni lines nearest the meeting location are: 9 San Bruno, 14 Mission, 42 Downtown Loop, 49 Van Ness-Mission, 71 Haight-Noriega, F Market, and Muni Metro (Van Ness station). For more information about Muni accessible services, call (415) 923-6142.

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Know Your Rights Under The Sunshine Ordinance

Governments's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Ordinance

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Sunshine Ordinance Task Force – ~~DRAFT~~ Agenda – 2 December 1998

Call to Order/Roll Call

Chair's Introductory Remarks

Approval of Minutes

Report of the Task Force Clerk
a. Complaint Log
b. Communications Log

5. Task Force Members' Questions and Comments

6. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

   a. Amos Brown proposal to amend section 67.30 to add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media

7. Discussion with Supervisor Leland Yee regarding Increasing Public Participation at City Boards and Commissions, including the Board of Supervisors in particular (DISCUSSION ITEM)

8. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

9. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

10. Review Schedule and Agenda items for the next meeting

11. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF SPECIAL MEETING
Wednesday, December 2, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The special meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at 4:08 pm on Wednesday, December 2, 1998.

Item 1. Call to Order/Roll Call
Members present: Angela Armstrong, Johnny Brannon, Hilda Bernstein, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Tuesday Ray, David Watkins
Ex-officio members present: Rachel Arnstine O'Hara, Gloria Young
Staff Counsel to the Task Force: Susan Frankel
Members absent: Nancy Sutley, Nicole Wong

Item 2. Chair's Introductory Remarks

Pilpel noted that this meeting had been rescheduled from the regular November meeting.

Item 3. Approval of Minutes

The minutes of the October 21, 1998 meeting were approved with the correction that in listing attendees, Susan Frankel should not be referred to as an ex-officio member, but as staff counsel.

Item 4. Report of the Clerk.
a. Complaint Log
b. Communications Log

O'Hara passed out the complaint log. O'Hara noted that two complaints received from Ms. Hart were not Sunshine related. A summary of the complaint from Ms. Thompson was in the log. Frankel sent a letter to Ms. Kohler seeking clarification related to her complaint. Frankel sent information regarding the Sunshine Ordinance to the City of San Jose. O'Hara noted the receipt of several immediate disclosure requests and that an immediate disclosure request was denied by the News Rack Task Force. O'Hara noted that Task Force meetings for 1999 will be held on the third Wednesday of the month in Room 400 at City Hall.

Item 5. Task Force Members' Questions and Comments

Bernstein asked that an item be placed on next month's agenda to discuss structure and organization of the Task Force. Planthold reminded members of the importance of attending meetings and achieving a quorum so that the Task Force can conduct its business.

Item 6. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

a. Amos Brown proposal to amend section 67.30 to add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media.

Pilpel reported that Supervisor Brown and his staff could not attend the meeting to discuss the proposal because of scheduling conflicts, instead Supervisor Brown sent a letter which Pilpel read to the Task Force. The letter stated that Supervisor Brown introduced his legislation to increase diversity in Task Force membership and by adding seats would not affect currently allocated seats. The letter defines minority press as news organizations serving communities of color and electronic media as that owned by people of color. Brannon stated that this was a more constructive approach than the original proposal. Watkins stated his concern that adding seats might make the Task Force's business harder to conduct and harder to achieve a quorum. Several members noted that the proposal could increase participation. Pilpel opined that this proposal was unnecessary at this time. During public comment, Knee suggested that nominations come from organizations representing the minority media. Darmanan noted that the Board itself could appoint people of color, rather than increasing the size of the Task Force. Harris raised concerns about who are considered people of color. Calabro suggested the definitions include ethnic press. Brannon suggesting including members representing the press serving immigrant communities.

Bernstein offered and Watkins seconded a motion to endorse the amendment and suggesting that the minority press seat be filled by soliciting nominations by professional organizations representing the minority press. Brannon suggested discussing with Supervisor a proposal to designate a seat for immigrant press. The motion failed by a vote of 4 to 5. Brannon offered and Bernstein a motion to recommend that Supervisor Brown amend his proposal to have professional organizations representing the minority press nominate a member and that one seat be reserved for an immigrant journalist of no defined ethnicity. The motion failed by a vote of 5 to 4 because 6 votes are necessary for passage.

Pilpel stated that he would communicate verbally and in writing the Task Force discussion and the lack of resolution or response to Supervisor Brown. He also stated that he would relate the Task Force's continuing desire to discuss the proposal with Supervisor Brown or his staff in person and the belief that discussion might facilitate the Task Force coming to some resolution on this matter.

Item 7. Discussion with Supervisor Leland Yee regarding increasing public participation at City Boards and Commissions, including the Board of Supervisors in particular

Supervisor Yee expressed concern that public participation in City Boards and Commissions, including the Board of Supervisors and its committees was limited. The primary barriers appear

to be when meetings are held and how meetings allow for public comment. Neighborhood meetings may be desirable. If one potential solution is to hold meetings in the evening, child care can become an issue. In addition, Supervisor Yee noted that there could be difficulties for people who need translation because of an advanced notice requirement. The Supervisor did not have a specific legislative proposal, was seeking input and asked that anyone with suggestions contact his Chief of Staff, Michelle Olson at 554-7752, by fax 554-7751 or by e-mail at Michele_Olson@ci.sf.ca.us. Brugmann noted that items are sometimes continued during meetings and this causes problems for people who are waiting for items to be heard. Planthold referred to the Dymally-Alatorre Act that requires local bodies to provide translation services but does not mention advanced notice requirements. Bernstein noted that sometimes during the course of meeting, the time allotted for individuals to comments is cut short or not all persons are heard.

Public Comment on Items Not on the Agenda (5:35 pm)

Calabro, from the European-American Issues Forum, stated that he had not yet received a response to his public records request for statistics on the District Attorney's prosecution of hate crimes. He expressed that he felt the requested information could provided through redacted documents rather than creation of new documents which cannot be required under the Sunshine Ordinance. Partanski informed the Task Force about a UC-Berkeley semi-monthly publication on California government activities.

Item 8. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance).

Continued until next month.

Item 9. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4).

Continued until next month.

Item 10. Review schedule and agenda items for the next meeting.

-- Structure and organization of the Task Force.
-- Consideration of proposals by San Franciscans for Sunshine.

Item 11. Adjournment

The meeting was adjourned at 5:55 pm.

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Sunshine Ordinance Task Force
City & County of San Francisco

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Notice of Regular Meeting and Agenda

Wednesday 16 December 1998 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

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(415) 554-4851 Voice
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Sunshine Ordinance Task Force – **Agenda – 16 December 1998**

1. Call to Order/Roll Call

2. Chair's Introductory Remarks

3. Approval of Minutes

4. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

5. Task Force Members' Questions and Comments

6. Discussion of Sunshine Ordinance Task Force Rules and Procedures (DISCUSSION ITEM)

7. Discussion of Sunshine Ordinance Task Force Meeting Location and Schedule

8. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

   a. Amos Brown proposal to amend section 67.30 to add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media

9. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

10. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

11. Review schedule and agenda items for the next meeting

12. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF REGULAR MEETING
Wednesday, December 16, 1998

Please note: all actions that were adopted by the Task Force are underlined.

The regular meeting of the Sunshine Ordinance Task Force was called to order by Chair David Pilpel, at 4:08 pm on Wednesday, December 16, 1998.

Item 1. Call to Order/Roll Call
Members present: Johnny Brannon, Hilda Bernstein, Bruce Brugmann, Ruach Graffis, David Pilpel, Robert Planthold, Tuesday Ray, David Watkins
Ex-officio members present: Rachel Arnstine O'Hara, Gloria Young
Staff Counsel to the Task Force: Susan Frankel
Members absent: Angela Armstrong, Nancy Sutley, Nicole Wong

Item 2. Chair's Introductory Remarks

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Item 3. Approval of Minutes

No minutes were available.

Item 4. Report of the Clerk.
a. Complaint Log
b. Communications Log

O'Hara passed out the communications and complaint log related to the Sunshine Ordinance. The Clerk received an immediate disclosure request. Frankel sent a letter to Kohler requesting clarification of some aspects of her complaint.

Item 5. Task Force Members' Questions and Comments

Watkins reported on problems with taping of the meetings. Pilpel noted he signed the letter to the Fire Commission and Department regarding Darmanan's complaint which the Task Force heard at the October meeting. Planthold noted that he was informed that the Mayor's new Muni Task Force was deemed subject only to passive meeting requirements and that the new Muni Council was thought not to be subject to the Task Force because it consists only of City staff. Pilpel asked for a written opinion. Pilpel asked Brannon to put his concerns about the Board of Appeals in writing and asked the City Attorney to respond.

Item 6. Discussion of Sunshine Ordinance Task Force Rules and Procedures

Pilpel passed around copies of the existing rules of the Task Force which had last been amended in 1996. Pilpel asked that Task Force members review them for the next meeting and asked Planthold to contact Sue Hestor, a former Task Force member, to inquire about any other changes that the Task Force discussed at the time but might not be reflected in the last written version of the rules. Bernstein suggested that the Task Force consider an orientation for new members, a later start time to accommodate members' schedules and the distribution ahead of time of any materials to be discussed at the meeting.

Item 7. Discussion of Sunshine Ordinance Task Force Meeting Location and Schedule

Pilpel noted that the Mayor asked that all public bodies try to meet in the newly reopened City Hall and that scheduling was becoming difficult because of the number of these bodies. The fourth Tuesday of the month after 4 pm is the time slot available for the Task Force to meet in City Hall. Pilpel asked if members wanted to change the date and meet in City Hall, retain the current schedule and room or consider other options that will ensure a quorum. O'Hara noted that the room at City Hall is available anytime after 4 pm on the fourth Tuesday and that recording equipment is available in that room. Planthold suggested that members be polled.

Item 8. Review Pending Legislation at the Board of Supervisors concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors relative thereto

a. Amos Brown proposal to amend section 67.30 to add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media.

Pilpel reported that he sent Supervisor Brown comments on his proposed legislation that reflected the discussion at the December 2 meeting. The legislation passed the Rules Committee, the full Board on first reading and is up for final passage.

Item 9. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance).

Pilpel referred back to the proposed San Franciscans for Sunshine proposed amendments that had been distributed at a prior meeting. The proposed amendment to Section 67.14 (Disclosure of closed sessions and actions) would require disclosure of pending settlement agreements for at least 15 calendar days before final approval by the City. It would also add similar disclosure requirements for collective bargaining agreements. Pilpel noted that other sections of the Ordinance provided for 10 calendar days of review and suggested expanding the disclosure requirements to any writing related to items that may be discussed in closed session. Pilpel noted the City Attorney's concern that expanding disclosure could prejudice the City's position in these discussions or negotiations. Brannon suggested providing for timely public notification of availability of proposed agreements or settlements. The Task Force also discussed whether to

conform the requirement to retain tape recordings or video tapings to the 30 days provided for in the Brown Act or potentially to require indefinite retention. Young discussed the potential cost to the City of indefinite storage for all City Boards and Commissions. Brugmann indicated he would research options, including technological solutions. Young suggested also looking at what other cities do. With respect to the time permitted for an individual's testimony, Pilpel raised a concern about items that are continued from one meeting to another. Bernstein also suggested clarifying that time limits should be uniform for all those who wish to speak and recommending that items with many potential commenters be heard first. Brugmann suggested that presiding officers announce at the beginning of meetings if items are to be continued, that anyone present at a meeting be given an opportunity to comment even if an item is continued or be allowed or encouraged to submit written comments for the record. The Task Force asked the Clerk of the Board to explore the status of distribution of public comments to the Board of Supervisors. Brannon suggested that during meetings, bodies provide a way to notify the public where they are on the agenda. The Task Force suggested preparing a user's guide to public comment.

Public Comment on Items Not on the Agenda (5:02 pm)

Item 10. Continued consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4).

Continued to the next meeting.

Item 11. Review schedule and agenda items for the next meeting.

- Continue balance of item 9 and all of item 10.
- Survey of meeting times
- Rules of order
- Discussion of Board of Supervisors' thirty day rule

Item 12. Adjournment

The meeting was adjourned.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Wednesday 20 January 1999 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong

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Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
401 Van Ness Ave Rm 402
San Francisco CA 94102

(415) 554-4851 Voice
(415) 554-4849 Fax

Disability Access

This Sunshine Ordinance Task Force meeting will be held in Room 2001 at 1660 Mission Street, San Francisco, between Division Street and South Van Ness Avenue (the Department of City Planning/Department of Building Inspection building).

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Sunshine Ordinance Task Force –FINAL Agenda – 20 January 1999 – Page 1

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Hearings on Pending Complaints (None this month)

6. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto

   a. Amos Brown Ordinance (File No. 981745) to amend section 67.30 to add two members to the Sunshine Ordinance Task Force, one from the general public and one representative of the minority press or electronic media

7. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues

   a. California Senate Bill No. 48 (Sher): Public records: disclosure

   b. Board of Supervisors (File No. 990012) Resolution urging the California State Legislature and Governor Davis to approve Senate Bill 48 revising the California Public Records Act (Supervisor Leno) (NOTE: Supervisor Leno or a representative of his office have been invited to attend the meeting and present this issue.)

8. Discussion of Sunshine Ordinance Task Force Rules and Procedures

9. Discussion of Sunshine Ordinance Task Force Meeting Location and Schedule

10. Election of a new Task Force Secretary (Nancy Sutley indicates that she cannot continue as the Task Force Secretary at this time. However, she will remain on the Task Force at this time.)

11. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to public meetings (Article 2 of the Ordinance). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

12. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article 1) and policy implementation (Article 4). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

13. Consideration of Scheduling a Special Meeting on Wednesday 3 February 1999 to Continue Consideration of San Franciscans for Sunshine Proposals

14. Review schedule and agenda items for the next meeting

15. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

January 20, 1999

The Minutes of this meeting are missing.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Wednesday 3 February 1999 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong
2 vacancies

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Sunshine ~~Ordinance~~ Task Force –FINAL Agenda – 3 February 1999

1. Call to Order/Roll Call

2. Action Items relative to Attorney-Client Privilege

   a. Motion to Waive the Attorney-Client Privilege in connection with the Draft Amendments to the Sunshine Ordinance dated 1/20/1999 (ACTION ITEM)

   b. Motion(s) to Waive the Attorney-Client Privilege in connection with any other documents received by the Sunshine Ordinance Task Force in connection with the San Franciscans for Sunshine proposal (ACTION ITEM)

   c. Motion to Establish the Policy of the Task Force to the effect that, henceforth, requests of the City Attorney's office not otherwise specified shall waive the Attorney-Client Privilege (ACTION ITEM)

3. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Meetings (Article II of the Ordinance). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

4. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to general policies (Article I) and Policy Implementation (Article IV). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

5. Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Information (Article III). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

6. Review schedule and agenda items for the next meeting

7. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

Sunshine Ordinance Task Force City and County of San Francisco

AGENDA ITEMS

TO: Sunshine Ordinance Task Force
FR: David Pilpel, Chair
RE: Action Items relative to Attorney-Client Privilege
DA: 27 January 1999

We had a great deal of discussion at our last meeting regarding the Attorney-Client Privilege and the Task Force's ability to waive such privilege in connection with documents we receive from the Office of the City Attorney. Following further discussions with Deputy City Attorney Susan Frankel, our legal advisor, I propose the following actions:

a. Motion to Waive the Attorney-Client Privilege in connection with the Draft Amendments to the Sunshine Ordinance dated 1/20/1999 (ACTION ITEM)

Be it moved that this Task Force waive the Attorney-Client Privilege in connection with the Draft Amendments to the Sunshine Ordinance dated 1/20/1999, release copies of that document at this time, and make that document available as a public record of the Task Force.

b. Motion(s) to Waive the Attorney-Client Privilege in connection with any other documents received by the Sunshine Ordinance Task Force in connection with the San Franciscans for Sunshine proposal (ACTION ITEM)

Be it moved that this Task Force waive the Attorney-Client Privilege in connection with any other documents received by the Sunshine Ordinance Task Force in connection with the San Franciscans for Sunshine proposal, release copies of any such documents at this time, and make such documents available as a public record of the Task Force.

c. Motion to Establish the Policy of the Task Force to the effect that, henceforth, requests of the City Attorney's office not otherwise specified shall waive the Attorney-Client Privilege (ACTION ITEM)

Be it moved that this Task Force establish a policy to the effect that, henceforth, requests of the City Attorney's office not otherwise specified shall waive the Attorney-Client Privilege in advance and shall be prepared as a public record of the Task Force.

* * * * *

I think these motions are fairly self-evident. I intend to entertain these motions from the Task Force at the Special Meeting of Wednesday 3 February 1999. Thank you.

dsp 27 Jan 1999

SUNSHINE ORDINANCE TASK FORCE

February 3, 1999

The Minutes of this meeting are missing.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 23 February 1999 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Nancy Sutley, Secretary
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
David Watkins
Nicole Wong
2 vacancies

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Sunshine Ordinance Task Force

City and County of San Francisco

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Hearing(s) on Pending Complaints

   a. Doug Comstock v. Department of Elections and City Attorney (THE CHAIR PROPOSES TO CONTINUE THIS MATTER TO A FUTURE MEETING)

6. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto (None This Month)

7. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues

   a. California Senate Bill No. 48 (Sher): Public records: disclosure

   b. Board of Supervisors (File No. 990012) Resolution urging the California State Legislature and Governor Davis to approve Senate Bill 48 revising the California Public Records Act (Supervisor Leno)

8. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Policy Implementation (Article IV) and Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Information (Article III). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

9. Consideration of Scheduling a Special Meeting on Tuesday 2 March 1999 (ACTION ITEM)

10. Motion to Change the Regular Meeting Day and Location of the Sunshine Ordinance Task Force (ACTION ITEM)

    Be it moved that this Task Force hereby changes its regular meeting day and location to the 4th Tuesday of each month, at 4PM, at 1 Dr. Carlton B. Goodlett Place (City Hall), Room 408, effective Tuesday, March 23rd, 1999.

1 Dr. Carlton B. Goodlett Place #362, San Francisco, CA 94102
(415) 554 - 6171 Fax (415) 554 - 6177

11. Review schedule and agenda items for the next meeting

12. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

Minutes
Sunshine Ordinance Task Force
Special Meeting
February 23, 1999

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Meeting convened at 4:07 p.m.

1. Present:
   - Pilpel
   - Planthold
   - Bernstein
   - Brugmann
   - Graffis
   - Ray
   - Watkins

2. Minutes

   None available; consideration deferred to next meeting; Vice Chair Planthold volunteered to take notes until the arrival of our new Task Force Secretary Angela Armstrong arrives.

3. Report of Task Force Clerk

   Clerk unable to attend; Chair reviewed packet of five recent complaints; Vice Chair Planthold asked about how a Task Force member should respond to any complaint to which the Task Force member had somehow been a witness; such information would not automatically preclude any Task Force member from also participating in discussions and decisions about action on any such complaint; according to Ms. Frankel, our assigned counsel; Ms Frankel did ask that when any Task Force member becomes aware of a complaint to which (s)he had been in some way a witness, it helps her in formalizing some type of response to the complaint if she knew more facts.

4. Task Force Questions and Comments

   Vice Chair Planthold noted the coarseness of language and tone of discussion was sometimes in words too harsh to be printed in a publication of general distribution/circulation.

5. Hearing on Pending Complaints

   Comstock v. Department of Elections and City Attorney; Chair Pilpel said that Nicole Wong was still doing legal research on aspects of this complaint and so thought it helpful to continue this. Ms. Bernstein asked the Chair to try to put in writing his summary report of a 3-minute conversation with Acting Elections Director Naomi Nishioka. Chair Pilpel indicated that Ms. Nishioka indicated she only recently received the complaint and would respond, even to the extent of attending a meeting of the Sunshine Ordinance Task Force.

9.

   Since the Comstock complaint hearing was contingent on when would be the next meeting of the Sunshine Ordinance Task Force, we went to Item 9 for consideration of a Special Meeting of the Sunshine Ordinance task Force on Tuesday, March 2 at 4:00 p.m. in Room 2001 of 1660 Mission. The Chair determined there would be a quorum. (Johnny

Brannon arrived at 4:32 p.m.) The Chair decided to have a Special Meeting as indicated above.

6. Review Pending Local Legislation

None known to be pending before the San Francisco Board of Supervisors.

7. Review Other Pending Legislation

SB 48 (Sher) still in committee. The Board of Supervisors and the Mayor ate in support of this, such that San Francisco's lobbyists in Sacramento would so indicate.

8. Continued Consideration of San Franciscans for Sunshine

Started with Responsibility for Administration;; SFS plan would require the office of the Clerk of the Board of Supervisors to provide staff; some members felt it would be better for staffing to come from/through the Ethics Commission.

Start Art III Public Information, Section 20
Section 21: Release of Public Information;; unclear as to what was meant by a 1996 amendment requiring use of "the largest non-profit, non-proprietary public computer network..." Maybe some broader reference to "internet or other comparable..."

22: Maybe each department should have a PIO who will respond to information requests without referring inquiries to a Mayor's Press staff. (Bruce Brugmann stipulated that the City Attorney's Office did have an effective system for getting answers to oral public information requests.)

Also, should any PIO have an affirmative duty to make initial inquiries, with a follow-on duty to give a timely response if the requested information is not readily available.

Section 23: Should policy bodies be required to have a communications log, similar to what shows up in the agenda of the Board of Supervisors? If so, should it be appended to the agenda or separately available?

Section 24: Non-Exempt Public Information (i.e., disclosable). Maybe impacts on labor contracts and MOU's so we may look at some changes.

Sunshine Ordinance Task Force

City and County of San Francisco

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 2 March 1999 • 4PM
1660 Mission St • Rm 2001
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
2 vacancies

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1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Discussion about Laws Regarding Recording Open Meetings (DISCUSSION ITEM)

6. Hearing(s) on Pending Complaints

   a. Doug Comstock v. Department of Elections and City Attorney (ACTION ITEM) (Continued from 23 February 1999)

7. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Information (Article III). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

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Minutes
Sunshine Ordinance Task Force
March 2, 1999

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1. Call to order at 4:10 p.m.

2. Approval of minutes

Bob Planthold absent
Angela Armstrong absent
Hilda Bernstein absent
Nancy Sutley absent

All others present.

No minutes to approve. Angela has not responded to phone calls to reach.

3. Rachel passed out logs

(a) New complaint from this morning.
(b) New correspondence regarding less than 10 days' notice.

4. Questions on vacancies

Any way to speed up process. Johnny if you know someone have them apply for two vacancies—David.

David asked Susan for information on HIV Planning Council (?).

Susan: They will adhere to a passive body part of Sunshine Ordinance; 13 page memo from City Attorney's Office should cover it.

David: Copy should be distributed to Task Force; Coalition on Homeless complaint—should a hearing be held to discuss this. City Attorney's Office cannot research; hearing to be scheduled for 3/25/99 meeting; leave to David's discretion to invite department heads party to complaint; copy of Times Mirror decision to be mailed to members.

5. Discussion laws regarding public meetings

Johnny: Covering Board of Appeals meeting; President requested that a camera be removed; massage parlor owner contesting revocation of license; due to undercover policemen testifying, it was asked by the President that the camera present be turned off. Person with camera complied since wanted to film a later part of the meeting; this bothered Johnny who then wanted this issue clarified by the City Attorney's Office; Johnny proceeded to read THE OPINION OF THE City Attorney Office. The camera should have been allowed to remain at public meeting. No longer ambiguous as to the issue.

David W: How often does this happen? Any way to track?

Bruce: Does this mean that if this happens again—sufficient information to have camera remain in room.

Susan & David: Unclear on question.

Susan: This should be enough. Polity body can make request but person doesn't have to comply.

Rauch: Also attended meeting. Seemed as if it was not given as a request.

Bruce: Can this be a part of training program?

Susan: Will let person who handles training know to add this.

David: Johnny will type a letter for David's signature to send with memo to Board of Appeals. Could raise further questions as to how to keep police undercover. Did police have another way to disclose (or not) the identity of the policemen at the hearing.

9. Bruce: Add an agenda item regarding the building of an underground garage. Who approved it?

6. Back to hearing on pending complaint.

Doug Comstock to make a brief presentation to discuss item, 3-5 minutes.

Doug: Election 6/3/97 (Special). All local issues. Problem: who had rating materials for 3 ¼ - 4 hours before it was handed over to Board of Elections. No reason for delay. Wet ballots; dried in microwave.

Asked for information for 30 days. 30 days to file for election fraud. Went to 180 days limit which is harder to prove.

Receipts received for only 12% of ballot boxes; complications; problems with non-profit picking up ballot boxes; 56 poll workers from Walden House; no contract with non-profit (Walden House), but checks went directly to Walden House; no listing of who even printed the ballots; Doug then discussed.

Document 7 went over. Asked for documentation surrounding printing of ballots, any contracts with a non-profit group, and requested voter legends; went through documents 7 through 8.; only 66 receipts available for review out of 500+; request not confided with.

David: What do you want from hearing?

Doug: Ballot receipts; who had them; Walden House—is there a contract; printing; number of ballots.

Bruce: Clarifying issue?

David: Remember this is a sunshine ordinance complaint regarding release of information.

Naomi: Department of Elections; most letters responded to by Germaine Wong; Germaine gave response that state that Elections gave information as requested, but that some information was not available.

David: Is there information available to respond to request?

Naomi: She believes so, responded that documents weren't available.

Bruce: Covered elections before; should be a chain of instructions to follow to keep elections aboveboard; call Naomi (Elections); insure that the chain of custody be kept.

Naomi: Chain was in place and was followed. Department is very careful to follow a process; chain of custody is taken very seriously.

Bruce: Was Charlie Walker a driver?

David: We could talk about this for hours, but does this follow Sunshine Ordinance; make questions relate to Sunshine Ordinance.

Bruce: What happened to receipts?

Naomi: Receipts; driver given receipt that they turn in ballot box; receipts are never kept; 2-part receipt; the original given to driver/pollworker, but copy not kept; each box has a barcode so receipts not needed.

Bruce: Who printed ballot?

Naomi: Sequoia Printing.

Bruce: What happened to 4 ½ hours?

Susan: Task Force needs to pull back and keep it to the issue at hand.

David: Are there written procedures between State law and pollworkers handbook?

Naomi: Dictated by State law to govern elections.

David: Is there something that discusses order of custody?

Naomi: No written procedures as such that discusses practices of covering elections.

Johnny: Is there a contract for printing firm?

Naomi: No contract signed. A bid was put out but no contract was completed; company has been used since 1991 when she joined department; City has used this printer for a long term; maybe a RFP in existence.

David W: How does printer know to print ballots?

Naomi: Person in Elections handles orders.

Rachel: Purchasing group under Administration Office handles orders.

Johnny: Maybe request made to wrong department

David: Department should be able to refer person to correct department; is there any information today that can be responded to Document 11?

Naomi: Yes, but it was given before.

Bruce: Document 20; did Doug ever receive the names of the drivers?

Naomi: Drivers were inspectors on listing of pollworkers.

Doug: Received a listing of 200 names.

Naomi: This was a list of the staff; no listing as to who was responsible for ballot boxes from satellite locations.

David: Are there any written procedures?

Naomi: Each manager writes up own procedures.

David: Could you provide these procedures now?

Naomi: Yes, but they have gone through changes since then.

David: This information could be helpful to Doug. Are there any listings of records; retention and destruction not pursuant to State law?

Naomi: No, only is pursuant to State law.

David: Request to Susan on City's retention/destruction policy.

Johnny: Question on No. 1 of Document 7; Germaine asked for clarification; Johnny is going through requests on Document 7 one by one to see if any response was received; David continued to go over issues on request; issue on ballot boxes; checks given directly to Walden House.

Doug: Wanted to know drivers from precincts to satellite location.

Naomi: Department cannot provide since information not kept.

Bruce: Issue of chain of procession.

Nicole: Issue is information available to answer request.

Rauch: Clarification needed on 66 receipts received.

David: This is why he asked for retention schedule.

Johnny to Doug: Did you receive any information on ballots?

Doug: Yes, but not answered to his satisfaction; received doc tag but no other information; who designed ballots; no envelopes, order to printing company; only received docket receipt.

David: City paid an invoice.

Naomi: Asking for clarification as to what she needs to provide.

Doug: Who authorized design of ballot? Where is the order form?

Rauch: How long are receipts "not" kept?

Naomi: Usually not kept—usually only for a couple of weeks.

Johnny: Follow up in writing from Task Force; (2) procedures specific to pollworkers; (3) Bruce; contract for printing of ballots.

Nicole: Went over requests to Department of Elections pursuant to Documents 7 and 11.

Doug: Is there a knowledgeable person who can direct him to proper departments.

Naomi: Depends on manager.

David: Ultimately Naomi is responsible.

Bruce: Very helpful; need to make a resolution to establish a chain of procession of ballots and ballot boxes; letter to be provided by Task Force to Department of Elections.

Resolution to be continued; Bruce has something written that will be discussed at next meeting.

Is this out of line?

7. Announcement made of San Franciscan for Sunshine meeting on Thursday night.

8. Johnny made motion/seconded by David W. All in favor.

9. David out until 19th

Bruce: Full disclosure regarding underground garage. Who is responsible for this?

David: What is the issue regarding this?

Bruce: Secrecy, is this; to provide complaint to Rachel.

Rauch: We will be able to have a quorum on 3/23?
David: Yes

David: Coalition on Homelessness; HIV Planning Council; Copy of redraft of Sunshine Ordinance to be provided; may have to do a special meeting; Rachel needs to look at calendar.

Meeting adjourned at 6:30 p.m.

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1/7/99
ancelled

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of ***Cancellation*** of Regular Meeting

Wednesday 17 March 1999 • 4PM

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
2 vacancies

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Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102-4683

(415) 554-6171 Voice
(415) 554-6177 Fax

SF
388
1
3/23/99

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Tuesday 23 March 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
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Sunshine Ordinance Task Force – FINAL Agenda – 23 March 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk (NOTE: The Task Force may schedule future hearings regarding complaints or communications received.)
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Hearing(s) on Pending Complaints

   a. Judith Appel/Coalition on Homelessness v. Police Department, Department of Public Health, etc. dated 3 February 1999 (ACTION ITEM)

6. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto

7. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues (ACTION ITEM)

   a. California Assembly Bill No. 1099 (Shelley): Public records: computerized data
   b. California ~~Assembly~~ Senate Bill No. 1065 (Bowen): Public records: electronic format
   c. California Assembly Bill No. 1234 (Shelley): State bodies: open meetings: notice

   PROPOSED ACTION: Urge the Board of Supervisors to support AB 1099 and ~~AB~~ SB 1065.

8. Consideration of sending the Board of Supervisors a letter re: the Dept. of Elections (ACTION ITEM)

9. Consideration of sending the Board of Appeals a letter re: taping public meetings (ACTION ITEM)

10. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Information (Article III). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

11. Consideration of holding a Special Meeting on 30 March 1999 and/or 6 April 1999 (ACTION ITEM)

12. Review schedule and agenda items for the next meeting

13. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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Minutes
Sunshine Ordinance Task Force
March 23, 1999

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1. Starting at 4:18 p.m.

   Bob Planthold
   Angela Armstrong
   Nancy Sutley
   Nicole Wong

2. Approval of Minutes

   No minutes to approve.
   Have had no communication from Angela. Item for next agenda replacing secretary for completion of remaining term.

3. Report of the Clerk

   Complaint and communications logs mailed to members

   Bob did not receive supplemental mailing. When was it placed in mailroom. Rachel: Friday, 3/19.

   Hilda wants structure of group added to next agenda.

   Bruce: Western ? complaint status. Rachel: Susan is working on this.

   Hilda asked question about asking as a private citizen.

4. Task Force members questions and comments

   Bob continued the issue of the mailing inefficiency. Regretful and non responsive with regards to mailing. Maybe add.

   David P.: Six nominations up before rules committee for two openings on Task Force.

   Records retention-mailing received from Susan. Asked Rachel to review Section 8.5 as to whether the schedule for using the Records Center has been received.

   Bruce: 14th Annual Freedom of Information dinner at Fort Mason. Honorary to be john Taylor, former Clerk of the Board, Saturday, 3/27/99.

   Nominations given preference to people who have shown an interest by attending meetings.

   David P. has made that point known to Leon's staff. Spoke regarding the problem of the mail service and how it can have an effect.

   Gloria Young joined the meeting.

5. Hearing on pending complaints.

   Judith Appel, Coalition on Homelessness, was unable to attend.

Rachel notified all participants that.

David W.: Please make announcements that hearings would be continued.

Bob: Place on next agenda.

Bruce: City Attorney is arguing that Times Mirror case applies here. Read dissent to....

Comments: Hilda: Is it appropriate to broaden or recommend the complaint and to determine where $16MM

David: Probably not appropriate to suggest something beyond complaint.

Continued to next meeting.

6. Pending legislation of Board of Supervisors

None

7. Review other pending legislation on State level

David found three bills; 1099, 1065 & 1234, which are presently pending in the Assembly.

Task Force would request that board of Supervisors recommend 1099 and 1065 to Assembly.

Bob: Has not received any analysis of these bills (City hasn't). Want to look at this when we have a better sense of where bills are in committee.

Bruce: Agreed with Bob that waiting is appropriate to determine where bills are. Nice to have timely recommendations on good bills to Board of Supervisors.

Bruce: Motion, second by Rauch, to move towards recommending to Board of Supervisors that 1099 Assembly be passed. Motion passed.

Bruce: Motion, seconded by Rauch to move towards recommending to Board of Supervisors that 1065 Assembly be passed. Motion passed.

Bruce: 1234 Assembly, open meetings, notice on internet. Applies to State bodies. Bruce gave a summary of 1234.

Also moved that this bill be moved for recommendation. Seconded by Rauch. Motion passed.

8. Consideration to send letter from Task Force regarding hearing regarding Department of Elections

Discussion of draft letter to Board of Supervisors.

Bob: Spelling corrections needed in letter.

Bob moved that letter be sent as amended. David W seconded.

David P. reviewed changes to letter.

Point of information given that Board will allow Task Force to review. Motion carried.

9. Board of Appeals draft

Discussion between Johnny and Rauch regarding second paragraph and the events of the meeting. Decided to keep paragraph as is.

Bruce: Good point brought up by Johnny. To clerk: Is there a way to add the policy points?

Rachel: Send out a general memo to all commissions/boards/advisory bodies regarding this. Bob agreed with Rachel that we, Task Force, make this clear to all groups. Bruce, Johnny to draft with Susan policy point.

Bob moved that letter be send. Seconded by David W.

David P.: Last paragraph very strong and we should be aware of that.

Johnny didn't agree and that language should be kept in.

Timothy Gillispie, public comment. Agreed with Task Force movement on this to make this a policy to other groups.

David P. thought that Susan Frankel will talk to Board of Appeals regarding this. Motion passed.

David P.: Place policy memo on next agenda.

Public comment requested.

James Chaffee has a complaint against David P. regarding a meeting of the Library Commission. He has not been taken sincerely.

Bruce asked if there was a specific complaint regarding the Sunshine Ordinance.

James Chaffee listed no proper meetings or complaints.

Bruce asked that he file a complaint. James Chaffee does not believe that Task Force would be receptive to his complaints.

Timothy Gillispie also spoke regarding having open access to meetings and records insulting (sp) that David P would make asides during public comments. Library Commission, in his opinion, has repeatedly violated the Sunshine Ordinance. David P unfit to chair Task Force. Owes (David P) Library activists, an apology.

_____requested to Mayor that Library Commission be more open to the public. Chair of Task Force should not be advising the Library Commission. Some members of Library Commission ignored public comment.

Mr. Warfield also attended Library Commission meeting of 1/19/99 (budget being discussed). He wanted a copy of the budget. Told that copy would not be provided. Budgets only provided to Commissioners. Copies not provided meeting. Documents were available but not given during his testimony while he was trying to get information on the budget. He received on 1/20 (postmarked 9/19) the budget received in his mail (he made request the Friday before). He feels that he was denied the information to make informed comments on the budget.

Timothy Gillespie gave summary of Library Commission meeting. David P. invited to meeting to give comments on how meeting is run. David P. that Library commission does not have to respond to questions from the public.

Debra Dole discussed her take on Library Commission meeting. She is a volunteer at Library. Meetings in the past have been very tense. Emotions have run high on both sides. Commission is videotaped (or moving to). Moving to rational discussions hopefully.

Gloria Young: probably should be moved to another agenda. This is not an agenda item.

David P. not invited to meeting. He chose to attend meeting. But he did give a brief comment to public comments. He believes that comments taken out of context.

Bruce asked that a formal complaint be mailed to the Task Force.

Hilda agreed with Bruce. Had problems with perception of a public person attending as a private citizen.

Rachel emphasized that requests can be mailed to her to get documents.

10. Further discussion on changes to Sunshine Ordinance

From Rachel: Section 67.24—advice needed from city Attorney on all sections.

Bruce: Initiative would place Section I back to way it had been in the past.

Bob: Section I, Times Mirror case might come into play here.

David P.: Should keep in regardless of case. Times Mirror is very narrow. Task Force has gone over_____the Section I on contracts, bids and proposals.

David P.: Discussed further Number 3 of 67.24 I

Any further comments of 67.24. Seeing none moving to 67.25. there is a recommendation from Task Force for Sunshine to expedite information to citizens. Number a—does it apply only to those items listed in 67.24 or should all documents be under this section.

Bruce: changed language should be left in.

David P.: Wants to limit immediate disclosure to be reasonable.

Bob: Only a couple members ____after this.

Task Force for Sunshine will provide final language to Board of Elections on 4/5.

Probably won't be able to continue this.

David P. has asked for a new copy of documents from Task Force for Sunshine.

Mr. Warfield agrees with changes to 67.25. Also a push for penalties to impose for not complying with 67.25.

11. Special meeting for 3/30 might be too soon for hearing on Coalition on Homelessness.

David P.: what is availability of members.

Try for 3/30 for Special Meeting.

Bruce: Rules Committee needs to push for a commitment from people to attend meetings.

David P. will push for.

Concerns of body to have a Special meeting of 4/30.

12. Agenda 3/30

Coalition on Homelessness/Task Force for Sunshine
Hilda's review of procedures
Bob's
Johnny's letter to policy

Bob moved to adjourn. Seconded by Bruce. Meeting adjourned at 6:25 p.m.

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 6 April 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
2 vacancies

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Sunshine Ordinance Task Force – FINAL Agenda – 6 April 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Task Force Members' Questions and Comments

4. Hearing(s) on Pending Complaints

   a. Judith Appel/Coalition on Homelessness v. Police Department, Department of Public Health, etc. dated 3 February 1999 (ACTION ITEM) (continued from 23 March 1999)

5. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Ordinance amendments relating to Public Information (Article III). (DISCUSSION ITEM: The Task Force may make tentative recommendations for changes, but no final action will be taken to recommend any particular amendments to the Sunshine Ordinance at this meeting.)

6. Review schedule and agenda items for the next meeting

7. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

April 6, 1999

The Minutes of this meeting are missing.

San Francisco Public Library
Government Information Center

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Tuesday 27 April 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
2 vacancies

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Sunshine Ordinance Task Force – FINAL Agenda – 27 April 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Task Force Clerk (NOTE: The Task Force may schedule future hearings regarding complaints or communications received.)
   a. Complaint Log
   b. Communications Log

4. Task Force Members' Questions and Comments

5. Hearing(s) on Pending Complaints (none this meeting)

6. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto

7. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues
   a. California Senate Bill No. 48 (Sher): Public records: disclosure

8. Discussion regarding the Use of the Deliberative Process Privilege in denying public records requests (DISCUSSION ITEM)

9. Consideration of sending all San Francisco Boards and Commissions a letter re: taping public meetings (ACTION ITEM)

10. Discussion of Task Force Officer Responsibilities and Procedures (DISCUSSION ITEM)

11. Discussion of Outstanding Task Force Work Items (DISCUSSION ITEM)

12. Consideration of San Franciscans for Sunshine proposed Sunshine Initiative. (DISCUSSION ITEM)

13. Consideration of canceling the regular meeting of Tuesday 25 May 1999 and holding a special meeting on Tuesday 18 May 1999 (ACTION ITEM)

14. Review schedule and agenda items for the next meeting

15. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

Minutes
Sunshine Ordinance Task Force
Special Meeting
April 27, 1999

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1. Roll Call

2. Absent: Armstrong, Bernstein, Sutley, Wong

3. Report

One complaint—Philip Armstrong w/Attorney
Response from Baumgartner regarding complaint from Coalition on Homelessness
Three other complaints

Bruce Brugmann comments on letter from City Attorney dated 4/23/99. Too late for review for Task Force.

Susan Frankel; letter not prepared for Task Force but as a follow-up.

5. Task Force Members Questions & Comments

Susan Frankel; Jackie Minor will be assisting her on Sunshine matters. Sue _____approved as member to Task Force. Awaiting signage from Mayor.

Bob Planthold; continued problems with receiving agenda and materials before meeting. We did not meet the deadline to the Clerk which is one week before deadline.

David Pilpel; agenda sent out in wrong format (e-mail) which caused a one-day delay.

Rachel O'Hara; there is a problem with getting mail from City Hall to 875 Stevenson.

Bruce Brugmann; can we move up one-day the agenda deadline.

David Pilpel; problem is being worked on.

No public comment.

5&6. No discussion items

7. Other Pending Legislation

Bill No. 48 (Sher); Leno supports; several amendments to bill; City has taken a position.
Bob Planthold; goes before a committee who decides that a position will be taken.
Bruce Brugmann; we did pass a resolution supporting; should pass back to Ammiano and Yaki who are in Legislature.

8. Discussion on Deliberative Process Privilege

Bruce passed out an opinion paper from Terry Francke which discusses this issue.

67.24 H of Sunshine Ordinance: Read opinion paper in relationship to paper. This part of Sunshine Ordinance should exempt deliberative process. We are on record from last meeting in disagreement to using the deliberative process privilege. This is a narrow version (Times Mirror case) to hide more information from the public.

David Pilpel: Are there any instances where this privilege is okay?

Bruce Brugmann: No. Using this privilege allows for too much secrecy.

Bob Planthold: When was this document printed/written?

Bruce Brugmann: Received today.

Bob Planthold: Why was this on meeting? Especially so since the requester (H. Bernstein) is not at meeting.

David Pilpel: Reminded members to read dissenting opinion (this was a tight 4-3 vote). This seems to be used more to deny access to public records.

Bruce Brugmann: Is there any information that can be obtained on how this is being used?

Johnny Brannon: Still a question as how long this deliberative process is actually in effect.

David Pilpel asked question of Susan Frankel.

Susan Frankel: Decision made on a case-by-case basis.

Johnny: Is this a change in policy, i.e., is there a bearing that once a policy is finished could all documents be released at that point?

Susan Frankel: Maybe.

Bruce Brugmann: From discussion seems that this is a policy to continue using deliberative process privilege. It is possible for City Attorney to provide to have a count/listing.

Susan Frankel: City Attorney does not set policy or make decision; advises departments who make decision to invoke policy.

David Pilpel: Can City Attorney attempt to get stats on this for past two years?

Bruce Brugmann: Number of times and summary of issue.

David Pilpel: Is there ever a time that the documents are never made available due to privilege?

Susan Frankel: Maybe, but cannot give

Public comment of Section 8:
Attorney from Coalition on Homelessness spoke, but we will come back to her on comments. Judith Appel

9. Sending a letter out regarding taping of meetings

Letter was written by Johnny Brannon.

Johnny Brannon: We need to review letter before sending it; but not received in time.

Moved to agenda next meeting (continued)

Back to Item 8.

Ordinance could be clearer on this point. 67.24 is pretty specific that documents excluded under State law are not exempt under ordinance. Explained further in findings Section 62.55 (State); does not apply to ordinance; ordinance meant to allow drafts and memos; clear distinction between what documents can be excluded using deliberative process privilege.

David Pilpel: State requires that reason be given to use privilege. Has City gone the length to apply facts to privilege; explain why privilege is being evoked.

Attorney from Coalition on Homelessness: No reasons not given as to why privilege is being evoked.

Bruce Brugmann: Any response from City departments?

Judith Appel: As of yet, no difference in response; probably helpful to have First Amendment expert to discuss.

David Pilpel: Section 67.24 vs. 62.55: Need to determine clarification between two.

Bruce Brugmann: Place on next agenda for further discussion.

Susan Frankel: Asked for clarification of what she is researching.

Public Comments:

Sue Kaufmann: Letter from us to Finance Committee & Planning Department—is this appropriate?

David Pilpel: Do you (Sue) have documents that can review?

Eric_____, Section 67.17/67.19: Comments during public comments. Individuals told to curtain public comments. What is proper for public comments? (Officials making comments to individuals on how comments are being made.) 2/99 and 4/26/99.

David Pilpel: Eric to discuss with Rachel on what happened to work towards filing a complaint.

Also from Eric_____: Can there be a wall clock (timer) to give time?

Bob Planthold: Need to be careful depending on what comments is (he attended Rec meeting where this is one instance.)

10. Task Force Officer Responsibilities & Procedures

David Pilpel: Need to discuss since elections are next meeting.

Bob Planthold: Lack of minutes from meeting; getting agenda to clerk on time; email of agenda—should this be happening; only done as a way to clarify meeting.

David Pilpel: No decision made from this process; discussion of positions.

Media Liaison—used to do media outreach; does press release/information on upcoming meetings.

David Pilpel: Cold we send out notices about decisions made by SOTF?

Secretary: Minutes needed; take notes, listen to tape and provide minutes to clerk to provide to members in mailing.

Vice Chair: Responsive and supportive to agenda; can keep us focused; start/run meetings in absence of the Chair; also represent Task Force in hearings of Supervisors.

Chair: Setting up agendas; inviting individuals to meetings/hearings. Liaison with other committees/Board of Supervisors.

Moving to Item 13

David Pilpel cannot attend meeting of 5/25; can meeting be moved to 5/18; consensus of group to move meeting to 5/18.

Meeting suspended.

Bob Planthold: Made motion; Johnny Brannon seconded; motion passed.

11. Outstanding Task Force Work Items

Letters needed

Bruce Brugmann: Individuals making resolutions should send letters for Task Force.

Bob Planthold: Work towards to change rule so that individuals make letters.

David Pilpel: Johnny Brannon and Bruce Brugmann to help David with doing letters.

12. Consideration of San Francisco for Sunshine Initiative

Initiative has been filed; City Attorney to file comment regarding initiative; can we as a Task Force give a comment on initiative?

Bob Planthold: We cannot give an opinion on the initiative but can give a comment to the Board on the initiative.

Comments from Ray_____(San Francisco for Sunshine): Initiative on website of By Guardian to review (www.SFBS.com); individual members should be able to give comments.

David Pilpel: Request from City Attorney to supply summary of initiative.

14 Agenda Items for Next Meeting

1. Letters needed
2. Election of officers
   **Check with David Pilpel on other items
3. Resolution to Board in support of initiative
4. Summary of San Francisco for Sunshine Initiative from City Attorney

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 18 May 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
1 vacancy

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Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102-4683

(415) 554-6171 Voice
(415) 554-6177 Fax

Disability Access

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Sunshine Ordinance Task Force – FINAL Agenda – 18 May 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Election of Officers
   a. Chair
   b. Vice Chair
   c. Secretary
   d. Media Liaison

4. Report of the Task Force Clerk (NOTE: The Task Force may schedule future hearings regarding complaints or communications received.)
   a. Complaint Log
   b. Communications Log

5. Task Force Members' Questions and Comments

6. Hearing(s) on Pending Complaints (none this meeting)

7. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto

8. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues

9. Continued discussion regarding the Use of the Deliberative Process Privilege in denying public records requests (DISCUSSION ITEM)

10. Consideration of sending all San Francisco Boards and Commissions a letter re: taping public meetings (ACTION ITEM)

11. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)

12. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Initiative. (DISCUSSION ITEM)

13. Review schedule and agenda items for the next meeting

14. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

Minutes from Special Meeting of the Sunshine Ordinance Task Force of 5/18/99

1. Meeting was called to order at 4:18pm.

   Roll Call: Present: David Pilpel, Bob Planthold, Johnny Brannon, Hilda Bernstein, Sue Cauthen, Ruach Graffis, Tuesday Ray and David Watkins
   Absent: Angela Armstrong, Bruce Brugmann, Nancy Sutley and Nicole Wong
   Non-Voting Member Present: Rachel Arnstine O'Hara
   City Attorney Office Present: Susan Frankel

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2. Approval of Minutes
   No minutes have been submitted for approval.

3. Election of Officers
   c. Chair – Pilpel was nominated by Planthold. Seconded by Cauthen. Planthold was nominated by Graffis, but nomination was declined. Pilpel elected by unanimous decision.
   d. Vice Chair – Planthold was nominated by Graffis. Nomination was seconded by Cauthen. Planthold elected by unanimous decision.
   e. Secretary – Several individuals were nominated, all declined. This will be discussed at the June 1999 meeting. Until a secretary is elected, one suggestion (from Cauthen) is to have the responsibility of this position rotate within the Task Force. Ray will take the minutes for the May 1999 meeting with Cauthen volunteering for June 1999.
   f. Media Liaison – Some discussion on what is required of the position. Brannon was reelected by unanimous vote.

4. Report of the Task Force Clerk
   A review of the Communications and Complaint Logs were given.

   Pilpel reminded the clerk that copies of all letters sent on the behalf of the Task Force should be forwarded to members.

5. Task Force Members' Questions and Comments
   a. A discussion ensued about the fact that there is no attendance requirement for Task Force members. The question is can a member be removed for non-attendance? Pilpel discussed having a provision added that would include attendance. Planthold suggested that since there is no requirement should probably refer to Board of Supervisors to have an amendment made to the appointment process to include attendance as a condition of appointment. Planthold asked if it was possible to add this to the June 1999 meeting for discussion. Cauthen confirmed that the Rules

Committee of the Board of Supervisors does inform appointees that attendance is expected.

Pilpel will speak with Supervisor Leno and City Attorney about drafting legislation regarding this issue for the Task Force. Planthold suggested that the Task Force not hold a hearing on this. Supervisor Leno might want to hold the hearings in front of the Rules Committee since the legislation would more than likely be coming from his office.

Brannon wanted to know has any attempts been made to contact those members who have been absence without cause. Pilpel informed him that attempts have been made. The main concern has been that the tapes for the previous meetings have been with Armstrong and they are the only records of Task Force meetings.

On a new topic, Cauthen handed out to members a copy of the budget for the Planning for 1999 – 2000 FY. The Planning Department was including in its budget a plan for document storage as well as plans to allow for easier accessibility for citizens. She suggested that we send letters to Supervisors Yee and Newsom in support of Planning Department budget and specifically its provision of including a customer service plan.

Pilpel suggested that we invite a representative of the Planning Department to the next meeting to discuss how they decided to add these items to their budget request.

b. Brannon wanted to add an agenda item to the next meeting regarding how records are kept from the Civil Grand Jury. The records of the reports are not obtainable from the County Clerk. A discussion was ensuing, but was reminded by Frankel that this, as an item not on the agenda, could not be discussed at this time.

Pilpel wanted to know should a hearing be held or would a letter be sufficient. Brannon believed that a letter would be enough. Pilpel suggested that Brannon prepares a draft letter could be discussed at the next meeting.

6. Hearing(s) on Pending Complaints
   None at this meeting.

7. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto
   No legislation pending.

8. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues
During public comment, Randy ____ mentioned that SB48 had been approved by the Senate and moves on to the Assembly. Pilpel corrected that the bill has moved out of committee and is set for a floor vote in the Senate. Arnstine O'Hara mentioned that there is a web site that individuals can use to follow the progress of any state bill. Individuals can call her to get the name of the web site.

9. Continued Discussion Regarding the Use of the Deliberative Process Privilege in Denying Public Records Requests (DISCUSSION ITEM)
Jacqueline Minor of the City Attorney gave a presentation on the findings of an inquiry that she conducted on when and why the deliberative process had been used by the City Attorney office at the request of City departments. The inquiry was done at the request of the Task Force as a result of an earlier hearing conducted where this was an issue. Frankel noted that this document was not privileged and confidential as stated on the front page.

Planthold found the information useful. He was able to see the benefit in invoking this privilege. The listing reflected an extent of its use.

Pilpel commented that it was helpful to see the range of responses. This could be used as a way to establish protocol and procedures to handle such requests in the future. Need to determine where the decision to invoke the privilege is coming from. (As mentioned in an earlier meeting by Frankel, the department head is responsible for making such a decision and not the City Attorney office.) It is not clear as to who is making the decision.

Minor mentioned that there was a varying level of detail given in the letter in the package forwarded to Task Force members regarding this.

In Public Comment, Judith Appel of Coalition on Homelessness still does not believe that the original request for information from the Task Force had been fulfilled. Section 62.55 was being evoked. The listing seemed to be voluntary compliance to the request. She would recommend taking a broader look at this issue.

Frankel confirmed that the letters were from the Government Team and a few others that they (Frankel and Minor) knew of. This was not meant to be a comprehensive listing.

Appel commented that the request should have been more far reaching in scope. She knows of more letters evoking this privilege.

Pilpel wants to see the number of denials using this privilege and the range of letters that go out regarding this issue.

Frankel commented that that information is probably hard to obtain since there are a number of teams and each deputy City Attorney can be assigned to various city departments.

Pilpel asked if the City Attorney office can distinguish between deliberative process privilege being needed and policy development.

Frankel stated that she was unable to answer.

Appel wanted to know how, and if, the Task Force would be giving a recommendation to the Board of Supervisors regarding this issue.

Pilpel stated that 67.24 and 67.45a may be about deliberative privilege process. However, drafts and memos are not exempted under 67.5. The Task Force could make an amendment to the Sunshine Ordinance.

Appel wondered if the Task Force can even make a recommendation regarding this. Should this be referred to Terry Francke to study.

Pilpel stated that sections 67.24 and 67.54 could have the reference deleted. Asked Frankel what was the advisability of doing this.

Frankel thought that it might be better to add a new section (67.55a).

Bernstein stated that it was a fine line between making things public and prohibiting the deliberative process. We risk limiting the creative process. This could be a loss to the way government functions.

Cauthen mentioned that the Planning department usually takes public comment before making decisions.

Bernstein stated that she didn't mean allowing a free rein, but she didn't what to make decision-making so difficult to do.

Arnstine O'Hara reminded the members that the Task Force is not a policy making body. Members need to consider what the consequences are in making a decision regarding this.

Pilpel asked Frankel to brief members on what those consequences might be.

Frankel stated the departments would need to be consulted.

Bernstein asked if a summary was available on where to draw the lines in evoking this privilege.

Richard Knee of the San Franciscans for Sunshine stated that the Sunshine initiative would prevent the use of the deliberative process privilege in total.

Pilpel asked if the City Attorney office establish any clear protocols. He also asked how did the Task Force want to further discuss this issue.

Bernstein stated that we should proceed carefully and cautiously.

Brannon mentioned that the members should probably wait for Brugmann to be in attendance before discussing further since he made the original request. We should also consult with Brugmann how his ideas on how to proceed with this.

Graffis asked if this could be continued until the next meeting.

Cauthen wanted to know if a distinction could be made between a preliminary draft and a final draft.

Bernstein stated that this should be continued until another meeting and to also give thought to setting up a sub-committee on working on this.

No further comments made.

10. Consideration of sending all San Francisco Boards and Commissions a letter re: taping public meetings (ACTION ITEM)
Brannon gave a background as to why letter was needed. He suggested that the letter which was forwarded in the members' package for this meeting be sent out. Brannon moved that letter be sent out. Graffis seconded.

Some discussion ensued regarding the tone of the letter. It was decided that the letter was fine.

With no objections, the motion passed.

Brannon wanted to know if there was listing available on who the letter should be forwarded to.

Pilpel stated that the letter would be forwarded to the City Clerk's office for distribution.

11. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)
    This was continued until the next meeting. Pilpel reminded the members that the Task Force needs to start work on producing the Annual Report.

12. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Initiative (DISCUSSION ITEM)
    The Task Force needs to have the analysis from the City Attorney office to discuss how and if the Sunshine Ordinance initiative would effect the present ordinance.

    Frankel stated that the City Attorney office would look into this.

    Knee would the Task Force to make a recommendation to the Board of Supervisors to support the initiative.

    Pilpel stated that the analysis from the City Attorney office is needed first.

    Knee also stated that he hopes that each member of the Task Force would come out in favor of the initiative.

13. Review schedule and agenda items for the next meeting
    - Election of Secretary
    - Discussion of the lack of minutes
    - City Planning – discussion of their record keeping and Customer Service goals. Possible letter to Board of Supervisors in support of their efforts.
    - Letter to County Clerk on retention of records from Civil Grand Jury
    - Further discussion of SB48
    - Further discussion on the use of the deliberative privilege process
    - Task Force procedures and work items
    - Further discussion on the Sunshine Ordinance initiative as proposed by the San Franciscan for Sunshine. Also consider as a possible action item.

Meeting was adjourned at 5:55pm. The next meeting of the Task Force will be held on Tuesday, 6/22/99.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Cancellation* of Regular Meeting

Tuesday 25 May 1999 • 4PM

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Angela Armstrong, Secretary
Johnny Brannon, Media Liaison
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
1 vacancy

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Non-voting Members:

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Gloria Young, Clerk of the Board of Supervisors

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1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102-4683

(415) 554-6171 Voice
(415) 554-6177 Fax

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22/99

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

Tuesday 22 June 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Sue Cauthen, Acting Secretary (for this meeting ONLY)
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Nicole Wong
1 vacancy

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Non-voting Members:

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Gloria Young, Clerk of the Board of Supervisors

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FINAL

Sunshine Ordinance Task Force – ~~DRAFT~~ Agenda – 22 June 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Election of Secretary

4. Discussion of the lack of minutes (DISCUSSION ITEM)

5. Report of the Task Force Clerk (NOTE: The Task Force may schedule future hearings regarding complaints or communications received.)
   a. Complaint Log
   b. Communications Log

6. Task Force Members' Questions and Comments

7. Hearing(s) on Pending Complaints (none this meeting)

8. Review Pending Legislation at the Board of Supervisors Concerning the Sunshine Ordinance and Consideration of Comment to the Board of Supervisors Relative Thereto

9. Review Other Pending Legislation Concerning Public Access to Meetings and Records and Open Government Issues
   a. California Senate Bill No. 48 (Sher): Public records: disclosure.

10. Consideration of sending the County Clerk a letter re: retention of Civil Grand Jury records (ACTION ITEM)

11. Department of City Planning (DCP): Record keeping and [redacted] Record Retrieval System Update
    a. Presentation by Mike Berkowitz, department representative (DISCUSSION ITEM)
    b. Possible letter to the Board of Supervisors in support of DCP's efforts (ACTION ITEM)

12. Continued discussion regarding the Use of the Deliberative Process Privilege in denying public records requests (DISCUSSION ITEM)

13. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)

14. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Initiative. (DISCUSSION ITEM; POSSIBLE ACTION ITEM)

15. Review schedule and agenda items for the next meeting

16. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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July 27, 1999

TO: Sunshine Ordinance Task Force

FM: Sue Cauthen

RE: Minutes, June 22, 1999 Meeting

Chair David Pilpel called the meeting to order at 4:16 p.m.

PRESENT: Angela Armstrong, Rachel Arnstine O'Hara (non-voting: clerk), Hilda Bernstein, Johnny Brannon, Bruce Brugmann, Sue Cauthen, Ruach Graffis, Jacqueline Minor (non-voting: deputy city attorney), David Pilpel (chair), Bob Planthold (vice chair), David Watkins

ABSENT: Tuesday Ray (excused), Nancy Sutley, Nicole Wong

MINUTES: May minutes were approved as written by Tuesday Ray. There was discussion of the need for a permanent secretary but no volunteers. Ruach Graffis volunteered to take the July minutes. Jacqueline Minor noted that minutes need not be comprehensive as long as they state who was present and how we voted. She will circulate guidelines for content of minutes.

Pilpel noted that Armstrong still has tapes of a prior meeting. She said she would bring in the minutes and tapes June 23.

MEMBER PRE-MEETING PACKAGE: There was discussion of whether all material supporting complaints should be mailed to members. Watkins said too much is better than too little and it was noted that there is a summary of contents of each complaint. We will discuss the Jenkel and Murray complaints at the July meeting and decide whether to hear them. We will also consider what constitutes a valid complaint.

FUNDING FOR PLANNING DEPARTMENT (DCP) RECORDS RETRIEVAL PROJECT: Mike Berkowitz, head of information services, explained the Planning Department's $132,000 budget item for reorganization of public records. He said the project would help address citizen access problems. He noted that two recent denials of documents covering Telegraph Hill issues "should not have happened." The funds would also facilitate putting Planning Commission agendas on its website and would be part of DCP's customer service plan. Both the Plannning Code and General Plan are currently on DCP website. Some members were concerned that the public has to pay to receive agendas through the mail and suggested that DCP drop mailing charges. Berkowitz said he would suggest this to planning director Gerald Green. Berkowitz said he would send the Task Force copies of DCP's records retention plan and fiscal details of the agenda-by-mail program. Pilpel asked if SOTF could also have a copy of the customer service plan.

Public comment: Joe Partansky spoke in favor of the information retrieval plan.

Moved (Pilpel), seconded (Cauthen), passed: SOTF will write a letter in support of the DCP budget request. We will discuss the agenda mailing fee in July.

Partansky said a manual on the California Public Records Act (CPRA) will be published by the attorney general's office later this year. Pilpel noted that the Sher legislation (SB 48) tightening CPRA passed the Senate and is before the assembly.

GRAND JURY RECORDS: Brannon suggested we send the county clerk a letter urging retention of Civil Grand Jury records on juvenile justice and recommending creation of a system to track responses to Grand Jury items, with copies to the presiding judge of the Superior Court. Moved (Planthold), seconded (Bernstein), passed.

DELIBERATIVE PROCESS: Pilpel established a committee to study the issue and work with the city attorney's office to develop a recommendation for the Board of Supervisors. Members: Bernstein (chair), Armstrong, Watkins.

Rick Knee of San Franciscans for Sunshine said it is a good idea to establish "deliberative process" guidelines since there is no guarantee the proposed Sunshine initiative outlawing deliberative process will pass.

PROCEDURES FOR OUTSTANDING WORK ITEMS: It was suggested we hold a special meeting to discuss.

SUNSHINE INITIATIVE: There will be a special meeting at 3 p.m. July 9 to consider our position on the proposed initiative.

NEXT REGULAR MEETING: July 27.

Chairman Pilpel adjourned the meeting at 6:25 p.m.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

→ *Meeting as a Committee of the Whole* ←

Friday 9 July 1999 • 3PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

Non-voting Members:

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Gloria Young, Clerk of the Board of Supervisors

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Sunshine Ordinance Task Force – FINAL Agenda – 9 July 1999

1. Call to Order/Roll Call

2. Election of Secretary for this meeting

3. Continued discussion regarding the Use of the Deliberative Process Privilege in denying public records requests (DISCUSSION ITEM)
   a. Report from the Ad Hoc Committee on the Use of the Deliberative Process Privilege
   b. Further Discussion

4. Continued Consideration of San Franciscans for Sunshine proposed Sunshine Initiative. (DISCUSSION ITEM; POSSIBLE ACTION ITEM)

5. Review schedule and agenda items for the next meeting

6. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 4 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

July 9, 1999

This meeting was not held due to lack of a quorum.

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Sunshine Ordinance Task Force

City and County of San Francisco

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

→ *Meeting as a Committee of the Whole* ←

Tuesday 13 July 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102-4683

(415) 554-6171 Voice
(415) 554-6177 Fax

Disability Access

This Sunshine Ordinance Task Force meeting will be held in Room 408 at 1 Dr. Carlton B. Goodlett Place, San Francisco, between McAllister Street and Grove Street (City Hall).

The meeting location is wheelchair accessible. The closest BART station is Civic Center, about three blocks from the meeting location. Accessible Muni lines nearest the meeting location are: 9 San Bruno, 42 Downtown Loop, 49 Van Ness-Mission, 71 Haight-Noriega, F Market, and Muni Metro (Civic Center or Van Ness station). For more information about Muni accessible services, call (415) 923-6142.

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Sunshine Ordinance Task Force – FINAL Agenda – 13 July 1999

1. Call to Order/Roll Call

2. Election of Secretary for this meeting

3. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)

4. Review schedule and agenda items for the next meeting

5. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

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D R A F T Minutes for Sunshine Ordinance Task Force

Special Meeting of 9/13 July, 1999

1. Convened the recessed special meeting of 9 July (Not held due to lack of quorum) at 4:05 PM on 13 July.

2. Vice-Chair Planthold volunteered to take notes for this meeting, in the absence of the Secretary.

   Attendance: Pilpel, Planthold, Bernstein, Brannon, Cauthen, Brugmann, Ray Watkins. Staff: Clerk Rachel Arnstine O'Hara (Ms. Nicole Wong resigned, leaving two vacancies.)

3. Deliberative Process Privilege

   Ms. Bernstein, Chair of the ad hoc committee on this topic, reported there was no consensus from the committee members who had attended (Bernstein, Watkins, and Chair Pilpel sitting in as an ex officio member). This topic will be discussed at future meetings.

   M/S/C: Continue this item until the ad hoc committee has a report and recommendations. Without objection.

4. Sunshine Initiative considerations

   We heard that consideration now by the SOTF may be irrelevant and unproductive--since the proposed Sunshine Initiative is fixed in form and now filed with the Dep't of Elections for verification of the signatures submitted to get it on the ballot.

   M/S/ Failed The SOTF not recommend to the Board of Supervisors to take any position on the Sunshine Initiative.

   Upon advice from our assigned Deputy City Attorney, the Chair ruled such a motion out of order because it could be a question of appropriateness for the SOTF to even make any recommendation at this point. We were advised that the SOTF could have some hearing(s) on this Sunshine Initiative or even ask the Board of Supes. to have some form of hearing(s).

   M/S/Failed Request the Board of Supes. to have a hearing on the Sunshine Initiative (On a tie vote, 4-4.)
   Aye: Pilpel, Planthold, Bernstein, Ray.
   No : Brugmann, Watkins, Cauthen, Brannon.

Public Comment on the Motion: Mr. Knee, one of those who worked on developing the Sunshine Initiative, urged the SOTF to not pass the motion.

Other members of the SOTF echoed the concern that such a call for a hearing could result in publicity that damages the Sun-Shine Initiative. Staff told us that a hearing likely could not be heard in a timely way for the election and that any individual could ask a SUpervisor to hold such a hearing.

Adjourned at 5 PM.

D R A F T Minutes for Sunshine Ordinance Task Force

Special meeting of 13 July 1999

1. Convened at 5 PM.

2. Vice-Chair Planthold volunteered to take notes for this special meeting, in the absence of the Secretary.

3. Present: Pilpel, Plantold, Bernstein, Brannon, Brugmann, Cauthen, Watkins. Staff: Clerk Rachel Arnstine O'Hara. Excused: Ray

3. Task Force Procedure & Outstanding Work Items

We heard from Steve Nelson, Dir. of Administrative Services, about the capacity of his office and staff to provide continued (unfunded) support to the SOTF. He told us that our Clerk's diligence on behalf of the SOTF can restrict her time and ability to adequately fulfill her other assigned (and funded) duties. Mr. Nelson said that previous CAOs had accepted that the SOTF could get Admin. Services staff time on mailing out agenda, receiving and following up on complaints, and handling other simple administrative matters. We heard questions about how well the Bd. of Supes. addresses funding/staffing requirements when it establishes some advisory body. We heard that other advisory groups are much narrower inscope and impact on city dep'ts. and residents, whereas the SOTF can affect every city department and every resident's ability to know what's happening in city government. We heard also that our Clerk had taken on additional duties beyond what had previously been committed to, partially to the detriment of other assigned duties. This leads to a gap between what resources are obtainable and what services are needed. This could change, if necessary funding flows from the Bd. of Supes. and/or if the Sunshine Initiative passes.

We then heard a series of questions from Ms. Bernstein, crafted so as to help us move forward, as to:

Perceived MIssion
Accepted Priorities, and how to establish some process for setting same
Constraints on Officers
Additional Responsibilities for
Achieving a wider impact on Media
Necessity for and focus of ad hoc committees
Complaints handling, how does it/should it happen
Agenda, appropriateness of length, timeliness of distribution, length of documentation, and possibility of some authorized abridgment of same.

Minutes of Special SOTF Meeting of 13 July 1997

D R A F T

The Clerk told us there are two large file drawers full of SOTF records and that they may not be fully-organized and cross-referenced to know all that we have. She solicited the assistance of any member to spend an hour looking over the files for any material responsive to the above questions posed by Ms. Bernstein. Ms. Cauthen positively responded to this request to look over the files for improving access to the information therein; Ms. Bernstein, Mr. Pilpel, and Mr. Watkins also positively responded.

No public comment.

Adjourned at 6:03 PM.

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Sunshine Ordinance Task Force
City & County of San Francisco

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Notice of Regular Meeting and Agenda

Tuesday 27 July 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Ruach Graffis, Acting Secretary (for this meeting **ONLY**)
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

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Sunshine Ordinance Task Force – FINAL Agenda – 27 July 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Election of Secretary for the August meeting

4. Report of the Chair
   a. Changes to Clerk's Responsibilities
   b. Changes to Agenda format
   c. California Senate Bill No. 48 (Sher): Public records: disclosure.
   d. San Franciscans for Sunshine proposed Sunshine Initiative

5. Report of the Task Force Clerk (NOTE: The Task Force may schedule future hearings regarding complaints or communications received.)
   a. Complaint Log
   b. Communications Log

6. Task Force Members' Questions and Comments

7. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)

8. Hearing(s) on Pending Complaints (ACTION ITEMS)
   a. John Jenkel regarding the Police Department and others.
   b. Stephen Murray regarding the Health Commission.

   NOTE: For each of these complaints, it is the intent of the Chair to hear briefly (3 minutes or less) from the complainant, if they so choose, take any further public comment, and then have the Task Force determine how further to proceed. Departmental representatives are not being invited to this meeting, but may be invited to a future meeting if the Task Force so chooses.

9. Consideration of sending the Planning Commission a letter re: elimination of fees for receiving Planning Commission agendas by mail (ACTION ITEM)

10. Review schedule and agenda items for the next meeting

11. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

July 27, 1999

The Minutes of this meeting are missing.

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Cancellation of* Regular Meeting

Tuesday 24 August 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Hilda Bernstein, Acting Secretary (for this meeting **ONLY**)
Johnny Brannon, Media Liaison
Angela Armstrong
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 14 September 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

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Robert Planthold, Vice Chair
Hilda Bernstein, Acting Secretary (for this meeting **ONLY**)
Johnny Brannon, Media Liaison
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Sunshine Ordinance Task Force – FINAL Agenda – 14 September 1999

1. Call to Order/Roll Call

2. Confirmation of Secretary for the next meeting

3. Report of the Chair

4. Hearings on Pending Complaints (ACTION ITEMS)

   a. Complaints dated 3 June 1999 and 12 July 1999 from James Corrigan regarding the Fire Department's lack of response to Immediate Disclosure Requests for public records related to overtime reports and the department's Customer Service Plan.

   b. Complaint dated 27 July 1999 from Aaron Peskin, President, Telegraph Hill Dwellers, regarding the Planning Department. The complaint alleges that the department did not respond timely to a public records request, that the department's non-disclosure of draft environmental review documents is inappropriate, and that the department's practices and policies conflict with the Sunshine Ordinance.

5. Report of the Education & Outreach Committee

   a. Review proposed brochure and article re: public access to meetings and records (ACTION ITEM)

   b. Discussion of other committee issues (DISCUSSION ITEM)

6. Review schedule and agenda items for the next meeting

7. Adjournment

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SUNSHINE ORDINANCE TASK FORCE
MINUTES OF SPECIAL MEETING OF
TUESDAY, SEPTEMBER 14, 1999

Item 1 - Call to order/roll call.
Chair David Pilpel called the September special meeting to order at 1:10 p.m. on Tuesday, September 14, 1999, and called the roll.
Members present: Angela Armstrong, Hilda Bernstein, Bruce Brugmann, Sue Cauthen, David Pilpel, Robert Planthold, Tuesday Ray, David Watkins.
Ex-officio members present: deputy city attorney Jacqueline Minor, task force clerk Rachel Arnstine O'Hara, clerk of the Board of Supervisors Gloria Young.
Members absent: Johnny Brannon, Ruach Graffis, Nancy Sutley.

Item 2 - Confirmation of Secretary for the next meeting.
Hilda Bernstein was designated secretary for the September regular meeting. Bruce Brugmann was secretary for the Sept. 14 special meeting.

Item 3 - Report of the Chair.
Pilpel announced that City Administrator Steve Nelson (whose office provides the task force with administrative support) had recently resigned. This would not affect Arnstine O'Hara's work for the task force, Pilpel said, but served to re-emphasize the need for task force members to help handle the task force's administrative work load.

Pilpel deferred to Minor, who reported that deputy city attorney Susan Frankel was no longer assigned to serve as counsel to the task force. Minor will assume all of Frankel's task force duties.

Pilpel apologized that agendas for this meeting were not mailed until the previous day. He said they had been delivered to the mail room on Friday but did not go out until Monday. He said he had been awaiting responses confirming attendance from individuals invited to the hearings scheduled for the Sept. 14 meeting. He also said that he sent draft and final agendas to task force members by e-mail during the week prior to the meeting.

Bernstein said that this explanation was not acceptable.

Pilpel said announced there were no minutes from the last meeting, held July 21, because Graffis (who was secretary for that meeting) was not present with the minutes.

Brugmann questioned Pilpel about why the task force had not yet sent a letter to the Department of Elections which the task force had resolved to send following the task force's November 1998 hearing concerning the department's procedures for handling and accounting for ballot boxes on election day. Pilpel said the task force had discussed this matter previously. He also said that the tapes of that meeting had finally been returned to the task force, so that an authoritative letter could now be drafted. Brugmann asked that the DOE letter be placed on the agenda for the September regular meeting.

Items 4a and 4b - Hearings on pending complaints (action item).
Pilpel moved that 4b would be heard first due to time restrictions of some participants. Adopted without objection.

Item 4b - Complaint of Aaron Peskin and Telegraph Hill Dwellers Association (THDA) against Department of Planning (DP)
Pilpel asked if any task force members wished to make any disclosures in connection with the complaint. Cauthen said she lives within 300 feet of the development project named in the complaint, but that she has received no notices or other pertinent documents, and the final project would have no financial impact on her. She said she is a member of the THDA, but had not attended meetings nor been active for about 1.5 years. She also said she had consulted with the City Attorney's Office, which advised her she had no conflict of interest in participating in the hearing.

to Complaint File

Peskin, speaking on behalf of THDA, made an opening statement (attached ~~to these minutes~~) which focused on two main points:

1. DP failed to respond within the statutory period to public records requests for draft Environmental Impact Reports pertaining to the Alta Street project. He said DP relied on a 1983 City Attorney opinion affirming that draft documents are not subject to disclosure pursuant to Sec. 6254 of the California Public Records Act. He said the opinion predated the Sunshine Ordinance, and that Sec. 67.24 of the Ordinance supersedes the state law and requires disclosure of drafts that are normally kept of file.

2. The Alta Street project developer (sponsor) received a certificate of appropriateness for the project after justifying its application based on a draft EIR which was not made available to the public. Furthermore, this draft EIR did not include public comments nor DP responses to the comments.

Hillary Gitelman, DP Environmental Review Officer, spoke on behalf of DP. She apologized to THDA for the lateness of DP responses to records requests, and said DP felt it had provided specific enough reasons for nondisclosure. She said DP has specific guidelines for responding to public records requests, and that DP staff had received a memo the previous day urging compliance with the Sunshine Ordinance. She said the developer had been foolish in citing the draft EIR in its application and had no grounds "for basing its application on conclusions that had not yet been reached." She said this draft EIR has now been made public, and emphasized that the point of the CEQA (California Environmental Quality Act) procedures followed by DP for drafting EIRs was to solicit public comment. She distributed a one-page handout (attached) summarizing DP's EIR development process.

Gitelman said that DP's record retention policies require staff to discard working ("pre-publication") drafts of EIRs "by the time" the final draft EIR is published, but it was up to individual staff members whether to discard working drafts gradually or all at once upon publication. Therefore, she said, these working drafts are not normally kept on file, and so are not covered by Sec. 67.24. She gave three reasons why working drafts are not made public:
1. They may contain inaccurate information.
2. Disclosure may have a chilling effect on contact between DP and consultants hired to prepare EIRs.
3. The delays caused by disclosure and comment of each working draft could impair DP's abilities to meet CEQA-mandated deadlines.

Gitelman said that to date, all documents requested by THDA (including the draft EIR cited by the developer in its application for a

certificate of appropriateness) were made public on or before July 1, 1999, except that other pre-publication working drafts (which may have existed at the time of THDA's requests) have since been discarded per DP's record retention policies, because the draft EIR has been published.

During public comment Nancy Shanahan pointed out the inconsistency that the DP had accepted the developer's application for a certificate of appropriateness as complete despite being advised by THDA that the draft EIR and any comments and DP responses had not yet been made available to the public.

Gitelman's statement and subsequent questioning of Gitelman and Peskin by the task force elicited a lengthy discussion of DP's procedures for contracting with outside vendors to prepare EIRs. Two basic procedures were described; generally, they are:
1. DP hires and manages an environmental consultant directly. In this scheme, neither the public nor the developer would see pre-publication drafts of the EIR, but only the draft EIR once it is published. Gitelman said that DP does not have sufficient contract management staff and resources to adopt this scheme, although she had no objection to it and said other cities and departments use this scheme.
2. The developer hires an environmental consultant, whose work is managed by DP. Gitelman said this is the scheme currently used by DP. Peskin said that in this scheme, even though DP directs the consultant's work, there is no way for DP to prevent the developer from influencing the EIR's content during its development. Peskin said that for this scheme to work fairly, any document or draft disclosed to the developer must also be made public.

Gitelman said that as a result of THDA comments in response to the draft EIR, the Alta Street project is no longer proceeding. She said this is an example of the effectiveness of DP's process for developing EIRs and obtaining public input.

There was no motion and the task force took no vote on the hearing. Pilpel continued the matter to the next regular meeting on Sept. 28 to consider further the two contracting schemes described. He requested further information from DP prior to the meeting:
1. The Sept. 13 memo to DP staff cited by Gitelman regarding handling of public records requests.
2. Chapter 31 of the city's Administrative Code.
3. DP's record retention policies.

Item 4a - Complaint of James Corrigan against SF Fired Department (SFFD)
Corrigan informed the task force that he retired from the SFFD in 1991 and had been monitoring the SFFD for the past 4-5 years. He said his complaints were not directed against SFFD personnel, but with its organization and management style. The core of the problem with the San Francisco Fire Department is this, he said, that having an excuse for not providing material is as good as providing it. He said he had been told by deputy city attorney John Cooper that the problem is that top SFFD officials understand how to handle public records requests, but not SFFD's civilian administrators. Corrigan said this statement was an excuse and unacceptable.

SFFD Deputy Chief of Administration Patrick White spoke in response (statement attached). He said he was providing the task force with the SFFD's written policy and procedures for handling public records

requests (attached). He explained the SFFD's procedures. He said that reorganization of the SFFD under a federal consent decree had added significantly to the department's administrative work load. After summarizing Corrigan's complaints, and informed the task force that in response to them, 1) the requested overtime report was sent to Corrigan on Sept. 9, 1999, and 2) the SFFD Customer Service Plan requested by Corrigan has not yet been developed. He informed the task force that Corrigan had, by his own admission, made at least 21 Immediate Disclosure Requests for information and 28 additional inquiries; some of these have required considerable work to respond to. White apologized to Corrigan for any delays, and assured the task force that the SFFD does not intend to withhold information inappropriately and makes every effort to respond timely to Immediate Disclosure Requests and to follow its established policies.

Corrigan said he had received information on all 21 Immediate Disclosure Requests but not all inquiries.

Pilpel asked Corrigan for recommended task force action, but Corrigan made no recommendation. No motion was made, and the matter was considered resolved.

Public comment on items not appearing on agenda
Mia Lord asked the task force to take action to reverse a Department of Building Inspection decision requiring her to bring her residence up to code. Task force members informed her that this was not a matter within the task force's jurisdiction, and advised her to seek legal assistance.

Item 5 Report of the Education & Outreach Committee
This item was not considered due to lack of time.

Item 6 - Review schedule and agenda items for the next meeting.
Pilpel announced the September regular meeting would be held Sept. 28.

Item 7 - Adjournment
The meeting was adjourned at 6:20 p.m.

Sunshine Ordinance Task Force
City & County of San Francisco

Notice of Regular Meeting and Agenda

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1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
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Hilda Bernstein, Acting Secretary (for this meeting **ONLY**)
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Sunshine Ordinance Task Force – FINAL Agenda – 28 September 1999

1. Call to Order/Roll Call

2. Approval of Minutes

3. Election of Secretary for the next meeting

4. Report of the Chair

5. Hearing on Pending Complaint (ACTION ITEM)

   Complaint dated 27 July 1999 from Aaron Peskin, President, Telegraph Hill Dwellers, regarding the Planning Department. The complaint alleges that the department did not respond timely to a public records request, that the department's non-disclosure of draft environmental review documents is inappropriate, and that the department's practices and policies conflict with the Sunshine Ordinance. (Continued from 14 September 1999)

6. Report of the Education & Outreach Committee

   a. Review proposed brochure and article re: public access to meetings and records (ACTION ITEM)

   b. Discussion of other committee issues (DISCUSSION ITEM)

7. Task Force Members' Questions and Comments

8. Discussion of Task Force Procedures and Outstanding Work Items (DISCUSSION ITEM)
   a. Past Meeting Minutes
   b. Letters regarding Doug Comstock complaint
   c. Annual Report

9. Consideration of sending the Planning Commission a letter re: elimination of fees for receiving Planning Commission agendas by mail (ACTION ITEM)

10. Review schedule and agenda items for the next meeting

11. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

Sunshine Ordinance Task Force 9/28/99 Meeting Minutes

8/99

1. **The meeting was called to order** at 4:00 p.m. by Chair, David Pilpel.

2. Present:
Robert Planthold, Hilda Bernstein, Johnny Brannon, Angela Armstrong, Bruce Brugmann, Sue Cauthen, Tuesday Ray and David Watkins. Also Rachel Arnstine O'Hara, Clerk and Jackie Minor, Deputy City Attorney

3. **Minutes of 9/14/99:** Vote deferred to October meeting.

4. **Secretary for October meeting:** Discussion led by Brugmann re: need for permanent secretary. No action because there were no volunteers.

5. **Report of Chair -** because Mr. Murray could not attend the September task force meeting, the hearing on his complaint was deferred to the regular October meeting.

6. **Hearing on pending complaint from Telegraph Hill Dwellers** re: allegations that the Planning Department did not respond in a timely manner to a request for public records, that the Department's non-disclosure of preliminary, pre-publication environmental review documents is inappropriate and violates the Sunshine Ordinance. The hearing was continued from 9/14/99. The Chair summarized the sense of the 9/14 testimony and reiterated the issues of concern, (see above) Hillary Gitelman speaking for the Department said that the procedures for responding to public records requests and the name of the designated coordinator had been e-mailed to Planning department employees. Pilpel wanted to know if staff had or would receive training etc. The essence of the exchange between Gitelman and the members of the Task Force was the role of the consultants hired by the developer, the availability of interim work product to the developer via the consultant but the withholding of the interim reports from the public, and their eventual destruction simultaneously with the release of the final EIR report. The final report is made available to the public. Pilpel and other Task Force members continued to speak to the issues of interim releases to the public and the retention of such reports. Gitelman continued to defend the current practice with the rationale that the interim reports are unfinished incomplete documents, the material has not been vetted, and in fact is moot. Gitelman stated that the sponsor has to be involved prior to publication, otherwise could not make required adjustments. All final documents must meet Planning Department standards. Task Force members continued to raise concerns re: unfair disclosure to developer, failure to retain records for a longer period of time.

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Gitelman said the Department relies on a 1983 City Attorney opinion, which the City Attorney has confirmed is still legally sufficient. A number of suggestions were made by Task Force members, re: use of the consultant, longer retention of interim documents, notice to public of projects on hold, public interest.

Peskin, the complainant on behalf of Telegraph Hill Dwellers stated that the EIRs are tainted because the public may participte only during specified stages while the developer participates throughout the process. Gitelman responded by stating the Department relies on the 1983 opinion and 1989 decision that has the right to keep documents confidential and that need supersedes the public's right to know, etc. The discussion went back and forth over the same issues. There was no meeting of the minds. Brugmann urged that a vote be deferred until November. He made a motion to that effect. Bernstein seconded to get it on the floor. Motion lost, 3 in favor al others opposed. Pilpel said there were 5 issues:

1. Revise Chap. 31 of the SFA Code entitled "Environmental Quality" to conform to the changes in state law and Planning Department procedures.
2. Recommend to the Planning Department that the department contract directly with EIR consultants.
3. Record retention policies be reviewed to determine if the present retention period is long enough.
4. Retain prepublication draft EIRs until 30 days after the final EIR is certified by the Planning Commission.
5. In the event a project is put on hold, develop procedures to notify persons who filed comments of the status of the project.

Planthold raised several concerns re: the aforesaid issues:

1. Who do you notify when a project is on hold?
2. Insufficient knowledge about Item #2 above as the records retention policy was not circulated to all members of the Task Force. Planthold also thought some items beyond the scope of the Task Force.
3. He was in favor only of point 4 above.

Brugmann said the whole procedure was outrageous. Asked for a vote on issues as stated by Pilpel.

Bernstein made motion that we vote in favor of the issues as made by Pilpel.

Ray seconded.

Discussion re: deferring the vote at this point in time since additional information was needed.

Brannon made motion that vote be deferred until October meeting and that in the interim we be provided necessary information.

Seconded by David Wilkins
Motion carried.

Public Comment:

James Chaffee quoted from Milton and then referred to Paskin and Food Not Bombs. He reported on appearance before the Library Commission in April re: because of their treatment of the public. Though he had been assured he would be able to speak, he was denied and said he felt betrayed. The Library Commission went into closed session. They chose not to arrest him. He has filed two lawsuits. States that existing laws are of no value.

Report of Education and Outreach Commission made by Hilda Bernstein who presented the draft of the 1st article in the series of information pieces for release to the newspapers. Several changes were suggested and accepted - next to last paragraph to read "Much of the above applies to private non profits which receive $250,000 or more per year from city or City administered funds." O'Hara's telephone number will be made available.

Planthold motioned to accept draft as amended, seconded by O'Hara. Brugmann will distribute.

Meeting adjourned at 6:15 p.m.

6/99

Sunshine Ordinance Task Force

City & County of San Francisco

Notice of Regular Meeting and Agenda

Tuesday, 26 October, '99 @ 4 PM

1 Dr. Carlton B. Goodlett Place (City Hall) @ Room 408
San Francisco, CA

Voting Members: David Pilpel, Chair
Robert R. Planthold, Vice Chair
Angela Armstrong, Sec'y.
Johnny Brannon, Media Liaison.
Hilda Bernstein
Bruce B. Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Two (2) VACANCIES

Non-Voting Members: Rachel Arnstine O'hara, SOTF Clerk
Gloria Young, Clerk of the Board of Supes.

The Task Force may be contaced through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
Dep't. of Administrative Services
1 Dr. Carlton B. Goodlett Place, Room 362
San Francisco, CA 94102-4683
Phone: 415-554-6171
Fax: 415-554-6177

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Sunshine Ordinance Task Force

City and County of San Francisco

Sunshine Ordinance Task Force--FINAL Agenda-- 26 October, '99

1. Call to Order/Roll Call

2. Approval of Minutes

3. Report of the Chair(Vice-Chair)

4. Hearing on Pending Complaint (ACTION ITEM)
Complaint dated 17 June, '99 from Stephen Murray
Complaint dated 27 Junly, '99 from Aaron Peskin regarding the Planning Department.
(N.B.: See draft minutes for outline of proposed action & also notes from City Planning staffer Hilary Gitelman for corrections of minutes.) (Cont. from 9-14)

5. Report of the Education & Outreach Committee

   a. Proposed adoption of amended brochure and article re: public access to meetings and records (ACTION ITEM)

   b. Discussion of other committee issues DISCUSSION ITEM)

6. Task Force Members' Questions & Comments

7. Outstanding Work Items (ACTION ITEM)

   a. Meeting Minutes-- Timely Production, Distribution, & Filing
   b. Letter(s) regarding Doug Comstock complaint about Dept. of Elections
   c. Annual Report

8. Letter to Planning Commission re: eliminating fees for receiving, by mail, copies of the agenda for Planning Commission (ACTION ITEM)

9. Review schedule for and agenda items for the next meeting, including effect on SOTF if proposed Sunshine Initiative passes

10. Adjournment

Note 1: Public comment on items NOT appearing on this agenda but within the jurisdiction of the Sunshine Ordinance Task Force will take place as the FIRST new item to be considered after 5 PM. As always, there is an opportunity for members of the public to speak to each agenda item as it is being considered.)

Note 2: If members of the Task Force do not have readily available any handouts relevant to this meeting but distributed at earlier meetings, please notify the Clerk so she can bring adequate copies

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Item 7A

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To whom it may concern:

I am sending this letter as a reminder that your agency is required to deposit two copies of public documents with the San Francisco Public Library's Government Information Center , which is the official depository of public documents for the City and County of San Francisco (see Administrative Code Section 8.16, attached).

In reviewing our records, I have found that the following Minutes from your agency have not been received by the SFPL Government Information Center:

Sunshine Ordinance Task Force: Please review the attached check-in record and send all missing minutes and final copy of minutes.

It is important to send your publications to the Library, because not only is it the law, but also it is the mission of the Library to provide free and equal access to information for the citizens of San Francisco. The Library is adept at organizing, cataloging, classifying and preserving documents in order to fulfill that mission. Documents deposited with the Library are retained permanently in the collection and will be available for use by historians generations from now.

The document collection is used daily to answer questions about city budgets, voting statistics, crime statistics, policy issues and historical events. Users include the business community, city agency staff, students, historians, and San Francisco citizens of every socioeconomic level. The Library's collection is unique and invaluable in researching the history of San Francisco; often the only extant copy of a document is found in the Library. Citizens can also use the collection to develop informed opinions on the issues of the day. However, the collection is only as current and complete as city officials, boards, commissions and departments make it.

The Library requests that your agency check its distribution list to verify that the San Francisco Public Library's Government Information Center will receive copies of your documents in the future. Your assistance is greatly valued in the City's effort, recently reemphasized by the Sunshine Ordinance, to make these public documents available to the public.

For your information, a factsheet on the posting and depository program is included in this mailing. If you have questions or would like an introduction to the Government Information Center and its collections, please call me at 557-4470.

Sincerely,

Terry Gwiazdowski

Terry Gwiazdowski
San Francisco/Regional Documents Librarian

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San Francisco. Sunshine Ordinance Task Force.

Minutes.

Year	Vol.	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1994					27	25	15,	26,	*17,	21,	19,	16,	14,
1995		18,		15,	19,	17,	21,	19,	16,	20,	18,		
1996		19,											
1997		15,	17,	14,									
1998		21,											

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Official publications include meeting minutes, annual reports, special studies, environmental impact statements, periodicals, newsletters, statistical reports, pamphlets, maps, and consultant reports. If a document has popular appeal, is written about in the news media, is highly publicized or is up for public comment, please provide the Library with thirty (30) copies and they will be distributed to branch libraries. Documents of special interest to specific neighborhoods can also be distributed to those neighborhood libraries.

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Whether mailed, hand delivered or faxed, agendas should arrive in the department before 4:00 PM (Mon.-Fri.) the day you wish to have it posted. All agenda items should be on single-sided paper. Posting requirements are not met if the agenda is not received and processed by Library staff. If you require confirmation of receipt, please note it as such, and the confirmation will be faxed to you. **It is the responsibility of the agency having the meeting to make sure that time requirements as specified in the Sunshine Ordinance and other open meeting laws are being followed.** Please contact the City Attorney's Office for questions about compliance with the law.

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October 8, 1999

MEMORANDUM

TO: **David Pilpel, Chair**
Sunshine Ordinance Task Force

c/o Rachel Arnstine O'Hara, Task Force Clerk

FROM: **Hillary E. Gitleman**
Environmental Review Officer

RE: **Task Force Minutes**

The following are comments and corrections regarding Item 4B in the minutes of your September 14, 1999 meeting:

- In the fifth paragraph beginning "Hillary Gitelman," the first "EIR" should be changed to "Comments and Responses document."

- In the next paragraph, item one should read: "Pre-publication drafts may contain inaccurate information, and could therefore be misleading or confusing to the public."

- The phrase "because the draft EIR has been published" should be omitted from the end of the seventh paragraph.

- To accurately reflect my presentation, the ninth paragraph should describe four, and not two, possible methods for preparing EIRs. The four methods are as follows: (1) DCP could hire staff necessary to prepare all EIRs in house. (2) DCP could contract with EIR consultants directly. (3) DCP could require project sponsors to contract with consultant to work at the direction of DCP. (4) Project sponsors could prepare or retain consultants to prepare EIRs and submit those EIRs to DCP in draft form with their application for project approval.

  With regard to the first and second method, it was noted that the sponsor's input would still be required on some sections of the EIRs, including the project description, mitigations, and alternatives.

  With regard to the third method (which as noted is the scheme currently used by DCP), please add the following: "Gitelman described the methods used to ensure that completed documents reflect the independent judgement of the DCP, and are not weighted towards the

sponsor's perspective. These safe-guards include the following: (a) staff determines the consultant's scope of work prior to initiation of the analysis; (b) staff reviews all consultant submittals and provides comments to the consultants; (c) DCP prohibits the project sponsor from providing direction to the consultant and reviews consultant work products to ensure that such direction has not occurred; (d) DCP comments to consultants are retained in the project file to demonstrate DCP authority over the finished document and the process by which staff exercises independent control; and (e) DCP assumes authorship of the finished product when it is deemed to adequately reflect the independent judgement of staff pursuant to the CEQA Statutes and Guidelines."

- If the attachments to the minutes are to include a copy of Mr. Peskin's oral statement before the task force, my own statement should likewise be attached.

Please let me know if you have any questions regarding these suggestions. Also, I would appreciate receiving a copy of the draft minutes of September 28th, and having an opportunity to provide input on those minutes prior to the Task Force's adoption or acceptance.

Cc. Jacqueline Minor

SUNSHINE ORDINANCE TASK FORCE

October 26, 1999

The Minutes of this meeting are missing.

San Francisco Public Library
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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Cancellation of* Regular Meeting

Tuesday 23 November 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

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Non-voting Members:

Rachel Arnstine O'Hara, Task Force Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk, Rachel Arnstine O'Hara, as follows:

Sunshine Ordinance Task Force
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102-4683

(415) 554-6171 Voice
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Sunshine Ordinance Task Force
City & County of San Francisco

Notice of *Special* Meeting and Agenda

Tuesday 30 November 1999 • 4PM
1 Dr. Carlton B. Goodlett Place (City Hall) • Room 408
San Francisco CA

Voting Members:

David Pilpel, Chair
Robert Planthold, Vice Chair
Johnny Brannon, Media Liaison
Angela Armstrong
Hilda Bernstein
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
2 vacancies

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Gloria Young, Clerk of the Board of Supervisors

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San Francisco CA 94102-4683

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Disability Access

This Sunshine Ordinance Task Force meeting will be held in Room 408 at 1 Dr. Carlton B. Goodlett Place, San Francisco, between McAllister Street and Grove Street (City Hall).

The meeting location is wheelchair accessible. The closest BART station is Civic Center, about three blocks from the meeting location. Accessible Muni lines nearest the meeting location are: 9 San Bruno, 42 Downtown Loop, 49 Van Ness-Mission, 71 Haight-Noriega, F Market, and Muni Metro (Civic Center or Van Ness station). For more information about Muni accessible services, call (415) 923-6142.

There is accessible on-street and off-street parking available in the vicinity of the meeting location.

For assistance with special needs (large print agendas, sign language interpreters, etc.), call Rachel Arnstine O'Hara at (415) 554-6083.

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Sunshine Ordinance Task Force – FINAL Agenda – 30 November 1999

1. Call to Order/Roll Call

2. Election of Secretary for this meeting

3. Report of the Chair

4. Report of the Education & Outreach Committee

5. Discussion regarding the implementation of Proposition G, November 1999 – Sunshine Ordinance Amendments

6. Consideration of sending the Board of Supervisors recommendations regarding implementation of Proposition G, November 1999 – Sunshine Ordinance Amendments

7. Discussion of Task Force priorities, work items, and leadership

8. Consideration of canceling the regular meeting of the Task Force for Tuesday 28 December 1999

9. Consideration of canceling all regular meetings of the Task Force until further notice

10. Adjournment

**. Public comment on items not appearing on this agenda within the jurisdiction of the Sunshine Ordinance Task Force. (This will be the first new item of business to be considered after 5 PM. There will also be an opportunity for members of the public to speak to each agenda item as it is being considered.)

SUNSHINE ORDINANCE TASK FORCE

November 30, 1999

The Minutes of this meeting are missing.

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Sunshine Ordinance Task Force

City and County of San Francisco

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Notice of Special Meeting and Agenda

Tuesday, 21 December, 1999 at 4 PM
1 Dr. Carlton B. Goodlett Place (City Hall) in Room 408
San Francisco, CA

Voting Members:

David Pilpel, Chair
Robert R. Planthold, Vice-Chair
Johnny Brannon, Media Liaison
Angela Armstrong
Bruce Brugmann
Sue Cauthen
Ruach Graffis
Tuesday Ray
Nancy Sutley
David Watkins
Judy Appel
1 Vacancy

Non-voting Members:

Rachel Arnstine-O'Hara, SOTF Clerk
Gloria Young, Clerk of the Board of Supervisors

The Task Force may be contacted through its Clerk as follows:

Sunshine Ordinance Task Force
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683

(415) 554-6171 Voice
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Sunshine Ordinance Task Force City and County of San Francisco

Sunshine Ordinance Task Force – FINAL Agenda – 21 December, 1999

1. Call to Order / Roll Call
2. Accepting Resignation from the office of the Chair (ACTION)
3. Electing Vice-Chair for the duration of the unexpired term (to April, 2000) (ACTION)
4. Adoption of minutes
5. Report of the Transition Committee and possible adoption of recommendations therefrom (ACTION)
6. Cancellation of Regular December Meeting of 28 December, 1999 (ACTION)
7. Adjournment

Note: Public comment on items NOT appearing on this agenda but within the jurisdiction of the Sunshine Ordinance Task Force will take place as the FIRST new item to be considered after 5 PM. As always, there is an opportunity for members of the public to speak to each agenda item as it is being considered.

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City and County of San Francisco
Sunshine Ordinance Task Force

Special Meeting
Tuesday, 21 December, 1999, 4:00 PM
1 Dr. Carlton B. Goodlett Place, Room 408

Present: Voting Members David Pilpel, Robert R. Planthold, Johnny Brannon, Angela Armstrong, Hilda Bernstein, Bruce Brugmann, Sue Cauthen, Tuesday Ray, David Watkins, and Judy Appel; Non-Voting Members Rachel Arnstine O'Hara (SOTF clerk) and Gloria Young (Clerk of the Board); and Deputy City Attorney Jackie Miner.

1. **Call to Order by Chair David Pilpel.**

2. **Accepting Resignation from the office of the Chair.**
David Pilpel resigned as president of the SOTF, departing comments by D. Pilpel. Robert Planthold assumed the office of SOTF chair and took over as chair of this Special Meeting.

3. **Electing Vice-Chair for the duration of the unexpired term (to April, 2000) (ACTION).**
David Watkins nominated Hilda Bernstein, seconded by Bruce Brugmann. Ms. Bernstein accepted the nomination.
Brannon nominated Ms. Ray, who declined the nomination
Pilpel nominated Cauthan, who declined the nomination.

Vote taken on motion nominating Hilda Bernstein as Vice-Chair of the SOTF
AYES - 10; NAYS- 0. motion passes.
Hilda Bernstein assumes the office of Vice-Chair of the SOTF.

4. **Adoption of Minutes**
No minutes available for adoption, matter tabled until next meeting.

5. **Report of the Transition Committee and possible adoption of recommendations there from (ACTION).**
Attachment 5.1 – minutes from the 12/7/99 Transition Committee meeting
Attachment 5.2 – minutes from the 12/14/99 Transition Committee meeting
Attachment 5.3 – Sue Cauthan's "Member Reduction Proposal" (not official document)
Attachment 5.4 – Draft Administrator, Sunshine Ordinance Task Force Job Description

A. Reducing the numbers of the SOTF:
The SOTF currently has 13 members, and the new voter passed initiative ("Prop G" or "Sunshine II") calls for a reduction to 11 members. The reduction is from

six to four members representing the general public. Transition committee discussed what process to recommend to the Board of Supervisors to carry out the reduction.

The Transition Committee made two recommendations on this issue:

1. Letter from City Attorney requesting resignations: All members of SOTF received a letter from Jackie Miner inquiring whether anyone within the affected seats wanted to resign. Nancy Sutley in Sacramento agreed to resign and send a letter of resignation to the Board of Supervisors. No letter had yet been received.
2. Recommend that the Board of Supervisors base their decision regarding who to take off of the Task Force be based on record of attendance.

Gloria Young reported on the fastest possible timeline of the Board of Supervisors' action.

- 1/4/00: introduce resolution at the first meeting of the Board of Supervisors of 2000;
- 1/15/00: first meeting of the rules committee to hear the resolution;
- 1/18/00: vote at the full Board of Supervisors meeting as a special issue;
- The Mayor then has 10 days to approve.

In response to a question about the effect of an open-ended recommendation from the members of the SOTF, Ms. Young recommends that the recommendation of the SOTF be as specific as possible to allow for a resolution on 1/4/00. The normal procedure used by the Board of Supervisors would be to select who would remain on the task force by lots.

SOTF members decide to discuss other issues before taking action on this issue.

B. Staffing New Clerk Position For SOTF:
Gloria Young presented a job description for the new clerk position that will be hired to staff the SOTF (Attachment 5.4).

Ms. Young prepared the job announcement as per the requirements of "Prop. G". There will need to be a supplemental budget request of the Board of Supervisors to fund the position.

Discussion by and suggestions of members:
JKA: suggest language to include follow-up on hearings and decisions
DP: HRC will classify the position. Should be comparable with assistant level positions, should be located within the clerk's office, who will s/he report to, should include responsibilities for handling informal complaint resolution, should include responsibilities re new non-profit resolution.
AA: Concern regarding No. 6 and policies – SOTF should make the determination of policies, not the clerk.

BB: Should be specified that the clerk will be responsible for handling letters of resolution. What is the interviewing process? Need to make sure that the individual can do the job.

Gloria Young will draft a final job announcement and send it to members.
Agreed to present top 3 candidates informally to members, with final decision remaining with her.
DP : Requests that the language for the supplemental request be provided to members.

C. Training of Departmental Staff:
SOTF members would like to participate in providing the training.

Report from Deputy City Attorney Jackie Miner: Prop G requires training of Department staff, as well as others, totaling more than 750 people. She suggests that a subcommittee be formed to address training.

Recommendation of the Transition Committee that SOTF members participate in training.

Discussion by members regarding degree of participation of members in training and whether or not a committee should be set up towards this end.

Motion by Brugman: The chair be empowered to put together a committee to work on training, together with the City Attorney office; the committee will not include a quorem of members, and will include Judy Appel, and that the chair will recruit other members from seats not at risk of downsizing. HB seconded motion.
No discussion on the motion. Vote on the motion - ayes unanimous. Motion passes.

D. Reduction of number of members of SOTF (return to previous discussion for action – see "A" above.):

Question: What seats are at risk?
The General Public seats that are currently "at risk" of being removed are: David Watkins, Nancy Sutley, Sue Cauthen, Ruach Graffis, Hilda Bernstein. Jackie Miner reports that her analysis is that the Consumer Advocate seats could also be considered for the reductions under Prop. G – that they could be "commingled."

IIB: First, Nancy Sutley has offered de facto resignation. Second, should co-mingle the General Public and the Consumer Advocate seats. Third, should use attendance as a factor for determining who to remove, and acknowledges question of which meetings to include in determination.

Motion by Brugman: Attendance be a criteria for selecting who to remove from task force. Second: IIB. Discussion on the motion.

Vote on whether to call the question- ayes: BB, HB, TR, BP, JB, DW; nays: AA, DP, SC, JA. Requires 2/3 majority required to call the question, vote fails.

Continued discussion on the motion.

Amendment to the motion: Only general public seats should be considered for removal.

Vote called on amendment - ayes: BB, TR, BP, JB, DW; AA, DP, SC, JA; nayes: HB, JB. Amendment passes.

Amendment to the motion by Bernstein: Include consumer advocates as seats to be considered for removal. No second and amendment fails.

Discussion: Question regarding who will determine attendance if this criteria is chosen for selection. Jackie Miner will calculate attendance based on records that exist. She will distribute the results.

Vote on motion: "Attendance be a criteria for selecting who to remove from task force, and only general public seats should be considered for removal." ayes: BB, HB, BP; nayes: TR, AA, DP, JB, DW, SC, JA. Motion fails.

Motion by Brannon: All members subject to removal to appear at the Rules Committee for selection. Second: DP.

Substitute Motion by Bernstein: That the Task Force make no recommendation to the Board of Supervisors. Second: BB. Vote on whether to substitute motion – ayes: BB, HB, TR, BP, JA, SC; nayes: AA, DP, JB, DW. Requries a majority of seven, motion fails.

Discussion and vote on main motion – ayes: JB, DP, AA; nayes: DW, JA, SC, DP, TR, HB, BB. Motion fails.

Motion by Watkins: That the selection of who to remove from the Task Force be made by drawing lots. Second: JB. No discussion on the motion. Vote on motion- ayes: DW; nayes: JA, SC, DP, TR, HB, BB, : JB, DP, AA. Motion fails.

Motion by Bernstein: That the Task Force make no recommendation to the Board of Supervisors. Second: Brugman. No discussion on the motion. Vote on motion- ayesBB, HB, SC, BP; nayes: DW, JA, JB, TR, AA. Motion fails.

Motion by Brugman: De appointing two members based on the record of attendance as one criteria for selecting who will be de-appointed from the general public seats, and that this be done in the most expeditious fashion possible. Second: HB.

Substitute motion by Brannon: Accept the resignation of two members . No second.